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ABSTRACT

Text of a hearing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 regarding the provision of services to girls within the juvenile justice system is presented in this document. Opening statements are presented by Committee Chair Representative Matthew G. Martinez and Representative Bill Barrett. Testimony and/or prepared statements and materials are included from these persons: (1) Vicki Burke, Director and Founder, Pace Center for Girls, Jacksonville, Florida; (2) Libby Deschenes, Rand Corporation, Los Angeles, California; (3) Talaya Ford, participant, Pace Center for Girls, Jacksonville, Florida; (4) Jean Lovell, Executive Director, Nebraska Commission on Law Enforcement, Lincoln, Nebraska; (5) Susan Rotenburg, National Coalition for the Mentally Ill in the Criminal Justice System, Seattle, Washington; (6) Rita Redaelli, Executive Director, Girls, Inc., Newport Mesa, California; (7) Carolyn Stitt, Director, Foster Care Review Board, Lincoln, Nebraska; (8) Ruth Vance, Program Director, Panhandle Youth Support Services, Panhandle Community Services, Gering, Nebraska; (9) Val Peter, Director, Boys Town; (10) Peggy Adair, Voices for Children, Omaha, Nebraska; (11) Meda Chesney-Lind, University of Hawaii, Manoa, Hawaii; and (12) Susan Morris, Chair, and Farrell Lines, Chair Elect, The National Coalition of State Juvenile Justice Advisory Groups. (ABL)

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HEARINGS ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

HEARINGS

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

HEARINGS HELD IN DOWNEY, CA, MARCH 16, 1992 AND GRAND ISLAND, NE, MARCH 30, 1992

Serial No. 102-125

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CONTENTS

	Page
Hearings held in:	
Downey, CA, March 16, 1992	1
Grand Island, NE, March 30, 1992	59
Statement of:	
Burke, Vicki, Director and Founder, Pace Center for Girls, Jacksonville, FL	39
Deschenes, Libby, Rand Corporation, Los Angeles, CA	4
Ford, Talaya, Participant, Pace Center for Girls, Jacksonville, FL	36
Lovell, Jean, Executive Director, Nebraska Commission on Law Enforcement, Lincoln, NE; and Susan Rotenburg, National Coalition for the Mentally Ill in the Criminal Justice System, Seattle, WA	134
Redaelli, Rita, Executive Director, Girls, Inc. Newport Mesa, CA	13
Stitt, Carolyn, Director, Foster Care Review Board	109
Unidentified Participant, Children of the Night, Los Angeles, CA	34
Vance, Ruth, Program Director, Panhandle Youth Support Services, Panhandle Community Services; Father Val Peter, Director, Boys Town; and Peggy Adair, Voices for Children	64
Prepared statements, letters, supplemental materials, et cetera:	
Adair, Peggy, Voices for Children, prepared statement of	83
Burke, Vicki, Director and Founder, Pace Center for Girls, Jacksonville, FL, prepared statement of	43
Chesney-Lind, Dr. Meda, University of Hawaii, prepared statement of	8
Ford, Talaya, Participant, Pace Center for Girls, Jacksonville, FL, prepared statement of	38
Lovell, Jean, Executive Director, Nebraska Commission on Law Enforcement, Lincoln, NE, prepared statement of	137
Martinez, Hon. Matthew G., a Representative in Congress from the State of California, prepared statement of	61
Morris, Susan, Chair, and Farrell Lines, Chair Elect, The National Coalition of State Juvenile Justice Advisory Groups, prepared statement of	57
Peter, Father Val, Director, Boys Town, prepared statement of	74
Redaelli, Rita, Executive Director, Girls, Inc. Newport Mesa, CA, prepared statement of	18
Rotenburg, Susan, National Coalition for the Mentally Ill in the Criminal Justice System, Seattle, WA, prepared statement of	154
Stitt, Carolyn, Director, Foster Care Review Board, prepared statement of	115
Vance, Ruth, Program Director, Panhandle Youth Support Services, Panhandle Community Services, prepared statement of	66

HEARING ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974: PROVISION OF SERVICES TO GIRLS WITHIN THE JUVENILE JUSTICE SYSTEM

MONDAY, MARCH 16, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RESOURCES,
COMMITTEE ON EDUCATION AND LABOR,
Downey, CA.

The subcommittee met, pursuant to notice, at 9:04 a.m., at the Board Room, Los Angeles County Office of Education, Imperial Highway, Downey, California, Hon. Matthew G. Martinez, Chairman, presiding.

Members present: Representatives Martinez and Barrett.

Staff present: Roger McClellan, co-staff director; Terry Deshler, legislative assistant; Jennifer Amstutz, staff assistant; and Lynn Selmser, minority professional staff member.

Chairman MARTINEZ. Good morning and welcome. We are delighted to be here this morning to meet with people who are concerned about the issues that we are concerned about.

I extend my personal gratitude to those of you who have joined us as observers and to those of you who have joined us as witnesses. We express our sincere gratitude for your taking the time to do that.

We are here today for one of a series of hearings on the Juvenile Justice and Delinquency Prevention Act of 1974. Many of you know it is scheduled to expire this year, and we are in the process of reauthorizing it.

The Juvenile Justice and Delinquency Prevention Act, known in short as JJDPA, authorizes a broad range of activities to prevent and treat the delinquent behavior of at-risk youth. And as we have traveled into many places to hold hearings so far, we find that the situation as it exists today is no longer exactly that as it was in 1974, but this highly successful program to this point has been responsible, in my estimation, for a significant drop in the number of youths who are inappropriately held in detention and has reduced the number of juveniles in adult jails and lockups, which was one of the initial intents of the law.

The Act has aided in developing innovative and highly effective programs, such as family preservation services and private/public partnerships, which aid in the prevention of juvenile delinquency.

Youths have been redirected from delinquent behavior and detention centers into programs that provide specialized services in family- or community-based programs.

In today's hearing we are going to address female delinquency and the provisions of services to girls under this Act. There are many of us that believe that we have not committed enough resources to that particular issue. There are many of us who realize that problems for young ladies are increasing, ever increasing, in our society and they are becoming more prone to end up in gangs, in crime, and with other problems that they have always suffered.

Girls committing the juvenile crimes and offenses often are ignored, even though they account today for a significant percentage of the juvenile delinquent population. However, generally, they commit different kinds of crimes than the boys, crimes where the girls are more a threat to themselves than they are to the community.

A high percentage of girls committing delinquency offenses are committing status offenses such as running away, anti-social behavior and cutting school. In fact, studies show that one-fifth of the girls arrested are arrested simply for running away, and even though there are four times more arrests of boys than girls every year, girls account for 56 percent of the arrests for running away and 33 percent of the arrests for curfew violations.

Even though there is a difference in types of offenses committed between boys and girls, on the whole we are not providing specialized services for girls in the juvenile justice system. Therefore, they are receiving less and unequal treatment than the boys when they are arrested. Girls are committing juvenile offenses, but they are not getting the services to prevent those offenses or to rehabilitate them.

We treat our female juvenile delinquents differently than we treat our boys. We try to protect them. If a young woman has run away and the authorities think she is sexually or physically abused at home, they will not return her to the home. But they do not want to turn her out on the streets where she can be exploited.

Without any program specifically for girls, there is only one alternative. The authorities put her into juvenile detention with a valid court order to protect her, and keep her there longer than they would any boy. I wonder why, why are there no other alternatives than youth jail for her?

Our juvenile services have been developed to protect the community from violent young boys. Girls, who are hurting themselves through their juvenile offenses are not getting served. Instead, the girls are being locked up.

In the last 20 years this country has made several big steps towards ridding the system of large gender inequalities, but that is not true for the juvenile justice system. And the inequality of services for boys and girls that they encounter at a young age is something that will affect their development and their outlook for the rest of their lives.

Historically, people have thought of juvenile delinquents as boys, young hoodlums, creating trouble in the community, and many programs address the problems connected with male delinquency. But there is a large number of girl delinquents out there as well

and we need to gear our juvenile justice programs to address their needs and the causes of their delinquency the same way we address the boys' needs.

At this time, before I turn to calling up the first panel, I would like to turn to my colleague, who has come a long way from Nebraska to be with us, because he is desperately interested in this situation and committed himself to helping in every way that he can. Mr. Barrett?

Mr. BARRETT. Thank you, Mr. Chairman. It is certainly a pleasure for me to be here in sunny Southern California today. To paraphrase the character of Dorothy in the Wizard of Oz, I do not think I am in Nebraska anymore.

There are probably more people living in a 20-block radius of this location in LA than reside in 62,000 square miles in my legislative district, congressional district, in Nebraska, the western two-thirds of my State.

The topic of this hearing this morning, I guess, is girls' services or what many say are the lack thereof.

When I began to research this issue, I found some very startling statistics which I would like to share with the subcommittee, Mr. Chairman. Girls constituted in 1989 13.5 percent of all youths held in public institutions. However, girls made up 30 percent of those held in private institutions. This was a 25 percent increase in the number of girls in private institutions in 1989.

Girls tended to be institutionalized for status offenses, like running away from home, more often than boys; 17 percent compared to 3 percent in 1987. However, boys were more likely to be institutionalized for serious personal or property damage offenses than girls who committed the same offense.

Perhaps the most troubling statistic, at least I have heard, is the length of stay in institutions for both boys and girls. That is increasing. Youths in short-term public facilities tended to stay in these facilities at least 7 percent longer in 1984 than they did in 1982. As well, there was a 10 percent increase in the length of stay for youths from 157 days to 174 days.

I guess a promising bit of news, if one wants to call it that, appears to be the fact that the number of girls going to detention centers is dropping. Since the passage of the Juvenile Justice Act in 1974, the number of girls in detention facilities has dropped 25 percent. Mr. Chairman, the youth experts in my State tell me that one of the problems facing youth is the system itself. That is the way they tend to be institutionalized quicker than really ought to happen.

None of that is borne home quicker than the fact that girls tended to be institutionalized for running away from home, as I said, more often than boys. They tell me that a really successful program is one which tries to reunite the family the quickest and with follow-up counseling and review. I am please to hear that restoring the family, when possible, is the most successful form of treatment whether one is a boy or a girl.

There are some cases when that is not possible, of course. And I guess it comes down to the government, mainly State government, I guess, has to step in, look out and provide for the welfare of the boy or the girl. I guess that is where we come in, Mr. Chairman.

While we may be removed from the core of the problem through various bureaucracies of the State and Federal Government, we still have a responsibility to insure that our kids are not somehow abandoned or that someone does not put them in a room and throw away the key.

As I stated in early hearings, while we cannot legislate love, we can certainly facilitate it. If that takes a little extra Federal spending, Mr. Chairman, for a fiscal conservative it is a little tough for me to say, but if it takes a little investment in our youth to reduce their later dependence on the justice system, so be it.

I am not talking about extraterrestrial spending, but I am talking about some wise and well-planned-out spending, of course. So, Mr. Chairman, I look forward to hearing from these witnesses today and learning more about the challenges and the solutions that are facing girls here in LA County. I hope you folks have some suggestions for the subcommittee to consider, because I think we are all open to ideas.

Thank you, Mr. Chairman.

Chairman MARTINEZ. Thank you, Mr. Barrett. I quite agree with you. Coming from local government, I learned to be fiscally conservative myself, but I also realized, and I guess you do, too, being from a business background, that sometimes you invest money to save money.

And with youth, we need to invest that money to save that money. It is a lot cheaper, I think, to spend money up front to redirect their lives, give them some sense of self-worth and make them realize that they can achieve anything that they set their minds to and that there is somebody going to be there to help them, that will not get into the other problems that give us a lot more cost.

I have always said it is a lot cheaper to educate and motivate young people than it is to incarcerate them. And I believe it is true in this particular situation.

I would like to begin with our witnesses. And today those witnesses will address different aspects of this issue.

Our first panel is comprised of Dr. Libby Deschenes, of the Rand Corporation and Ms. Rita Redaelli from Girls, Incorporated, who will give us a national perspective on girls and juvenile justice. Would you both come forward and take seats there at the table?

Pull the microphone over to you close so that we can be sure to hear your testimony. Dr. Deschenes, we will start with you.

STATEMENT OF LIBBY DESCHENES, RAND CORPORATION, LOS ANGELES, CA

Ms. DESCHENES. I must thank my colleague, Dr. Meda Chesney-Lind, at the University of Hawaii, for preparing this testimony, and I have added my own opinions to this testimony.

About one-quarter of the young people arrested in the United States for juvenile delinquency each year are girls. I am going to echo a lot of what Chairman Martinez and Mr. Barrett have said. When people discuss the problem of delinquency, it is generally about boys. As the topic of the hearing today suggests, that situation is changing.

There is renewed interest in women's issues, and the long-neglected problems of girls in trouble are finally receiving attention. Today there are some answers to the questions; who is the typical female delinquent, what causes her to get into trouble and what happens to her if she is caught.

Contemporary work on female delinquency suggests that while there are many similarities between male and female delinquency, there are also very important differences. For example, official records, such as the uniform crime reports, show that girls tend to be arrested for less serious offenses than boys. One half of girls arrested are charged with larceny theft and runaway.

Self-report data from surveys of youth show fewer differences between boys and girls. There is a similarity between the prevalence of the types of offenses but a difference in the frequency. Recent longitudinal juvenile studies in Denver, Colorado and Rochester, New York have shown a co-occurrence of delinquency and drug use which is particularly noteworthy for girls.

These longitudinal juvenile studies in Denver and Rochester also found that sexually active youth are more likely to be engaged in drug and alcohol abuse. This is especially true among girls who have been pregnant.

With some exceptions, theories of female delinquency use similar explanations as theories of male delinquency. According to social control theory, weak attachment to parents and poor parenting practices are related to delinquency among both males and females. However, there are two very important factors in the theoretical explanations of female delinquency; and these are child abuse and victimization.

In a Michigan training school it was reported to me that up to 90 percent of the girls had been abused. Victimization is now a central issue in the treatment and rehabilitation of these girls. Up to 70 percent of girls in one runaway shelter, in comparison to 38 percent of boys in another study, had been sexually abused. Other studies of runaways and those found in shelters also show a lack of a functional family amongst both boys and girls.

Girls have often been arrested for stealing food or for stealing money for food. We see that, although girls and boys may commit crimes for similar reasons, they are treated differently by our juvenile justice system. There is some question of gender bias in our juvenile justice processing.

Researchers have noted the predominance of paternalism in the treatment of females by the juvenile justice system. Females are more likely to be protected and their sexual behavior monitored. The focus of much of this attention is on the status offenses committed by females, as we have said: running away, incorrigibility, and being beyond parental control.

In earlier years virtually all of the girls in juvenile court were charged with these type of offenses. In 1990 over half of those arrested for running away from home were girls. In 1985 only 15 percent of those in juvenile court for criminal offenses were girls. Many of the offenses committed by females, such as runaway and prostitution, are often seen as precursors of more serious problems; this gives them reason to lock up the girls.

The significant role played by status offenses in girls' delinquency is a major reason why those most concerned with the diversion and the deinstitutionalization of youth arrested for these offenses must consider, as this hearing does, the special needs for girls and the urgent needs for programs that deal directly and specifically with these needs.

Girls who find their way into the juvenile justice system have many problems that are uniquely tied to their status as girls. Historically, the juvenile justice system has not taken girls' problems seriously and instead locked them up when they refused to stay home.

Unfortunately, contemporary judicial responses to girls in trouble still leave much to be desired. Despite over 15 years of federal efforts to encourage the deinstitutionalization of status offenders, there are still many girls who are inappropriately detained and incarcerated. Ten times more girls than boys are institutionalized in training schools for status offenses, according to data from the 1987 youth in custody and detention and the correctional facility census.

For detention centers, the States differ greatly in their rates. In 24 of the States, 70 percent of the girls incarcerated for offenses are for offenses other than a Part I offense or serious crime. This is compared to only two States for boys. Three percent of boys are held for status offenses in comparison to 20 percent of the girls.

There is a growing belief that girls entering detention centers and training schools have more violent and chronic prior offense histories. These girls are being incarcerated in the deep end of the system much more frequently than boys, perhaps due to the lack of community-based programs or to attitudes and paternalism.

While the de-institutionalization trend has slowed in some areas of the country, the number of girls in detention has increased by 10 percent over the decade, from 1979 to 1989, as have the arrests for runaway and curfew violations. Pressures to re-institutionalize status offenders should be strongly resisted.

Girls remain all but invisible in programs for youth and in the literature available to those who work with youths. Only 5 percent of federally funded projects was directed at girls in the last few years and only 6 percent of the moneys for juvenile justice was spent on girls. "What is needed," says one director, "are more programs for pregnant teenagers. And in addition there is more need for programs that are gender specific for females."

What are these specific needs of young women who come into contact with the juvenile justice system? The programs should address their unique problems and deal with their anger, their victimization, the reality that they have received physical and sexual abuse in their lives, the problems of pregnancy and motherhood, and the problems of drug and alcohol dependency. There is a need to develop a sense of self-efficacy amongst these women and to empower them to make their own changes.

National efforts to de-institutionalize status offenders have resulted in significant progress. The last decade has shown a reduction in certain States and there is more interest in seeking alternatives to incarceration for girls. Programs like therapeutic foster homes, group living situations, homes for teen mothers and their children, and independent living arrangements are proven, success-

ful alternatives to locking up troubled and victimized girls. These efforts need to be supported and expanded.

In short, delinquent girls share many problems in common with their male counterparts. They are young, poor and often members of minority groups. They also have problems, notably child sexual abuse, that are directly related to their gender. Programs to meet the unique needs of girls are still on short supply in most States, despite the large number of girls that could benefit from their services.

Stereotypes of youth in trouble as being all male have contributed to the neglect of girls' very real problems, leaving them with few alternatives other than crime. Attention to their situation is long overdue and will make a major contribution to solving female delinquency.

[The prepared statement of Dr. Meda Chesney-Lind follows:]

Testimony
by
Meda Chesney-Lind
Director, Women's Studies Program
University of Hawaii at Manoa

When people talk about the problem of delinquency, they are generally thinking about delinquent boys. Yet, about a quarter of the young people arrested for juvenile offenses every year in the United States are girls. Who is the typical female delinquent? What causes her to get into trouble? What happens to her if she is caught? Until recently, few people could supply answers to these questions. Now that situation is changing, as the topic of this hearing clearly indicates. A renewed interest in and concern about girl's and women's issues has meant that the long neglected problems of girls in trouble are finally receiving attention.

Contemporary work on female delinquency suggests that while there are many similarities between male and female delinquency, there are also important differences. First, and most importantly, girls tend to be arrested for offenses that are less serious than those committed by boys. About half of all the girls that are arrested are apprehended for one of two offenses: larceny theft (which for girls is often shoplifting) and running away from home. Boys delinquency also involves many minor offenses, but the crimes they commit are more varied.[1]

One of the two major "girls offenses"--running away from home--points up another significant aspect of female delinquency. Girls are quite often arrested for offenses that are not actual crimes like robbery or burglary. Instead, they are activities like running away from home, being incorrigible, or beyond parental control. These non-criminal "status offenses" have long played a major role in bringing girls into the juvenile justice system. In fact, in the early years of the juvenile justice system virtually all the girls in juvenile court were charged with these offenses.[2] The significant role played by status offenses in girls' delinquency is also a major reason why those most concerned with diversion and deinstitutionalization of youth arrested for these offenses must consider, as this hearing does, the special needs of girls; and the urgent need for programs that deal directly and specifically with these needs.

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[1]Federal Bureau of Investigation. 1990. *Crime in the United States 1990*. Washington, D.C.: Government Printing Office.

[2]Chesney-Lind, M. and Shelden, R. 1992. *"Girls, Delinquency, and Juvenile Justice"* Pacific Grove: Brooks/Cole.

Currently, status offenses (particularly running away from home and ungovernability) continue to play a major role in female delinquency. In 1990 over half (56.5%) of those arrested for running away from home were girls.[3] Moreover, many of the girls charged with status offenses stay in the juvenile justice system. In 1985, the last year for which we have data, girls were a 63% of those appearing for juvenile courts charged with running away from home, and they are about half (42%) of all youth charged with all status offenses; by contrast girls were only 15% of those in juvenile court for criminal offenses.[4]

Why are girls more likely to be arrested than boys for running away from home? There are no simple answers to this question. Studies of actual delinquency (not simply arrests) show that girls and boys run away from home in about equal numbers. There is some evidence to suggest that parents and police may be responding differently to the same behavior. Parents may be calling the police when their daughters do not come home, and police may be more likely to arrest a female than a male runaway youth.

Another reason for different responses to running away from home speaks to differences in the reasons that boys and girls have for running away. Girls are, for example, much more likely than boys to be the victims of child sexual abuse with some experts estimating that roughly 70% of the victims of child sexual abuse are girls.[5] Not surprisingly, the evidence is also suggesting a link between this problem and girl's delinquency--particularly running away from home.

Studies of girls on the streets or in court populations are showing high rates of both sexual and physical abuse. A study of a runaway shelter in Toronto found, for example, that 73% of the female runaways and 38% of the males had been sexually abused. This same study found that sexually abused female runaways were more likely than their non-abused counterparts the engage in delinquent or criminal activities such as substance abuse,

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[3]Federal Bureau of Investigation. 1991. *Crime in the United States 1990.* Washington, D.C.: Government Printing Office, p. 183.

[4]Snyder, H. et al. 1989. *Juvenile Court Statistics 1985.* Washington, D.C.: U. S. Department of Justice.

[5]Finkelhor, D. and Baron, L. 1986. "Risk Factors for Child Sexual Abuse." *Journal of Interpersonal Violence* 1: 43-71.

petty theft, and prostitution. No such pattern was found among the male runaways.[6] Studies of youths in juvenile court populations are also showing large numbers of abused girls. An Arkansas study of girls adjudicated as delinquent found that 53% had been sexually abused, 25% reported scars from beatings, and 38% recalled bleeding from abuse.[7]

Girls on the run from these kinds of homes clearly need help. For many years, however, their accounts of abuse were ignored, and they were institutionalized in detention centers and training schools as delinquents if they refused to stay at home. Girls accused of incorrigibility where also quite likely to be locked up. The reasons for this harsh response are varied. One major problem that girls encounter in the juvenile justice system is a product of their difficulties with their parents. Typically, when a boy is arrested, his parents may be upset with him, but they will generally support him in court. By contrast, girls charged with status offenses have been arrested and in court precisely because they are having problems at home are were on the streets. In this situation, their parents are not their allies and may, in fact, be their prosecutors. In addition, courts are often left with few alternatives other than incarceration since placements for youth in these situations have historically been in very short supply and woefully inadequate to dealing with the psychological problems of troubled youth. The net result was that girls often ended up in juvenile institutions for non-criminal behavior, while their male counterparts did not.

In short, girls who find their way into the juvenile justice system have many problems that they share with their male counterparts, but they also have problems, particularly sexual abuse, that are uniquely tied to their status as girls. Historically, the juvenile justice system has not taken girl's problems seriously, and instead locked them up when they refused to stay at home.

Unfortunately, contemporary judicial responses to girls in trouble still leave much to be desired. Despite over fifteen years of federal efforts to encourage deinstitutionalization of status offenders, for example, there are still many girls who are

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[6]McCormack, A., Janus, M.D. and Burgess, A.W. 1986. "Runaway Youths and Sexual Victimization: Gender Differences in an Adolescent Runaway Population." *Child Abuse and Neglect* 10: 387-395.

[7]Mouzakitas, C. M. 1981. "An Inquiry into the Problem of Child Abuse and Juvenile Delinquency." In *Exploring the Relationship Between child Abuse and Delinquency*, edited by R. J. Hunner and Y. E. Walkers. Montclair, NJ: Allenheld, Osmun.

inappropriately detained and incarcerated. A recent study of the nation's detention centers revealed that in 1989 while only 3% of boys were in these facilities for status offenses, over 15% of girls were being held on these charges. The nation's training schools also have an over-representation of girls charged with minor offenses or status offenses. These data reveal that only 14% of girls are incarcerated for serious violent crime while 13% are incarcerated for status offenses. Many girls are incarcerated for simply for non-violent property crimes.[8]

These figures, while cause for concern, do represent some very good news to the supporters of deinstitutionalization. Prior to the passage of the Juvenile Justice and Delinquency Act of 1974, nearly three-quarters (71%) of the girls and 23% of the boys in the nation's training schools were incarcerated for status offenses.[9] Between 1974 and 1979 the number of girls admitted to public detention facilities and training schools dropped by 40%. Since then, however, the deinstitutionalization trend has slowed in some areas of the country, particularly at the detention level. Between 1979 and 1989, for example, the number of girls held in these same public facilities actually increased by 10%[10] These figures have also been accompanied by sharp increases in the last decade (1981-1990) of arrests of girls for runaway (up 19%) and curfew violations (up 36.6%). Again, these figures represent a shift away from declines in arrests of youth for status offenses that were seen in the late seventies. Taken together, these trends suggest that strong pressure may be brought to bear on policy makers to reinstitutionalize status offenders.

These pressures should be strongly resisted. Girls needs were never fully considered when initial efforts to deinstitutionalize began in the nineteen seventies. Indeed, after over a decade of "deinstitutionalization efforts," girls remain in the words of one researcher "all but invisible in programs for youth and in the literature available to those

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[8]Schwartz, I.M. Willis, D.A. and Battle J. 1991. "Juvenile Arrest, Detention, and Incarceration Trends 1979-1989." University of Michigan: Center for the Study of Youth Policy.

[9]Schwartz, I.M. Steketee, M. and Schneider, V. 1990. "Federal Juvenile Justice Policy and the Incarceration of Girls: *Crime and Delinquency* 36:503-520.

[10]Jamieson, K.M and Flanagan, T. (eds)_1987. *Sourcebook of Criminal Justice Statistics--1988*. Washington, D.C.: Department of Justice, p. 390; Flanagan, T. and McGarrell, E.F. *Sourcebook of Criminal Justice Statistics--1985*. Washington, D.C.: Department of Justice, p. 517; Allen-Hagen, B. 1991. *Children in Custody 1989* . Washington, D.C.: U.S. Department of Justice.

who work with youth."[11] A report done in 1975 by the Law Enforcement Assistance Administration revealed that only 5% of federally funded juvenile delinquency projects where specifically directed at girls and that only 6% of all local monies for juvenile justice were spent on girls.[12] More recently, an exhaustive study of virtually all program evaluation studies done since 1950 located reports on some 443 delinquency programs; of these 34.8% were exclusively male and an additional 42.4% served "mostly males." Only 2.3% of the surveyed programs that explicitly served only girls, and only 5.9% that served "some males" meaning that most of the programs' participants were girls.[13]

What are the specific needs of young women in general, and those who come in contact with the juvenile justice system either as victims or offenders? Sue Davidson argues that:

> The most desperate need of many young women is to find the economic means of survival. While females today are still being socialized to believe that their security lies in marriage and motherhood, surveys of teenage mothers indicate that approximately 90 percent receive no financial aid from the fathers of their children.[14]

Likewise, a study of homeless youth in Waikiki,[15] about half of whom were girls, revealed that their most urgent needs are housing, jobs, and medical services. Finally, a survey conducted in a very poor community in Hawaii (Waianae) revealed that pregnant and parenting teens saw medical care for their children, financial assistance, and child care as their major needs. Social workers in the same community, by contrast, saw parenting classes as the girl's most important need, followed by child care, educational and vocational, and family planning.[16] These findings suggest that while youth understand

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[11]Davidson, S. 1983. *The Second Mile: Contemporary Approaches to Counseling Young Women.* Tucson: New Directions for Young Women, p. viii.

[12]Female Offender Resource Center. 1977, *Little Sisters and the Law*. Washington, D.C.: American Bar Association, p. 34.

[13]Lipsey, M. 1991. "Juvenile Delinquency Treatment: A Meta-Analytic Inquiry into the Variability of Effects." New York: Russell Sage Foundation (Research Synthesis Committee), p. 58.

[14]Davidson, p. ix.

[15]Iwamoto, J.J. Kameoka, K. and Brasseur, Y.C. 1990. *Waikiki Homeless Youth Project: A Report*. Honolulu: Catholic Services to Families.

[16] Yumori, W.C. and Loos, G.P. 1985. "The Perceived Service Needs of Pregnant and Parenting teens and Adults on the Waianae Coast." Working Paper. Kamehameha Schools, p. 16-17.

that economic survival is their most critical need, such is not always the case among those working with them.

Among other needs that girls programs should address include the following: dealing with the physical and sexual abuse in their lives (from parents, boyfriends, pimps, and others), dealing with pregnancy and motherhood, drug and alcohol dependency, confronting family problems, vocational and career counseling, managing stress, and developing a sense of efficacy and empowerment. Many of these needs are universal and should be part of programs for all youth. However, it is my contention that most of these are particularly important for young women.

National efforts to deinstitutionalize status offenders have resulted in significant progress; the last decade, for example, showed a dramatic reduction in girl's incarceration in certain states. There is also more interest in seeking alternatives to incarceration for girls. Programs like therapeutic foster homes, group living situations, homes for teen mothers and their children, and independent living arrangements have proven successful alternatives to locking up troubled and victimized girls.[17] These efforts need to be supported and expanded.

In short, delinquent girls share many problems in common with their male counterparts; they are young, poor, and often members of minority groups. They also have problems, notably child sexual abuse, that are directly linked to their gender. Programs to meet the unique needs of girls are still in short supply in most states, despite the large numbers of girls that could benefit from their services. Stereotypes of youth in trouble as all male have contributed to the neglect of girl's very real problems as well leaving them with few alternatives other than crime. Attention to their situation is long over due and will make a major contribution to solving female delinquency.

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[17]For a review of some innovative programs for girls, as well as a more comprehensive review of "what works" in delinquency prevention and intervention programs, see Chapter 10, "Programs for Girls" in Ghesney-Lind, M. and Shelden, R. 1992. *Girls, Delinquency, and Juvenile Justice*. Pacific Grove: Brooks/Cole

Chairman MARTINEZ. Thank you, Dr. Deschenes. We will hear from Ms. Redaelli and then we will come back with questions.

STATEMENT OF RITA REDAELLI, EXECUTIVE DIRECTOR, GIRLS, INC. NEWPORT MESA, CA

Ms. REDAELLI. Thank you. Congressman Martinez, Congressman Barrett and friends, I am Rita Redaelli, Executive Director of Girls, Incorporated, Newport Mesa, California, an affiliate of Girls, Incorporated, formerly known as Girls Clubs of America.

My statement here today is on behalf of Girls, Incorporated, the Nation's authority on girls. We in Girls, Incorporated, know that prejudice, stereotyping and society's low expectations have held girls back. We are deeply concerned that these factors are often present in services provided to girls in the Nation's juvenile justice system.

At Girls, Incorporated, we know how to break traditional patterns, foster girls' leadership and build their confidence. We have developed and tested programs that build girls' capacity to overcome the hurdles they face and become successful adults.

Girls, Incorporated is also a national network of nearly 300 centers located in 122 cities across the Nation, with an estimated combined operating budget of $41 million. Nationally, 2,500 professionals and 8,000 volunteers run local centers, providing an average of 30 hours of activities per week, after school, on the weekends and during the summer.

As of 1991, Girls, Incorporated had a service population of over one quarter of a million. Just over half of the 6- to 18-year-old girls served belong to racial and ethnic minority groups, more than three-quarters come from families earning $20,000 or less and more than half come from single-parent households, most of which are headed by women.

Girls, Incorporated has served as a vigorous advocate for girls, raising concerns about equitable and appropriate treatment. In 1978, just 4 years after passage of the Juvenile Justice and Delinquency Prevention Act of 1974, we held a landmark meeting, Today's Girls, Tomorrow's Women.

This 3-day seminar brought together many of the Nation's experts in health, education, employment training, juvenile justice and girls' services. They focused on the need for girls to receive positive services in the areas of health, including reproductive health, fitness, education, and employment. These services are necessary in order for girls to move toward productive adulthood and avoid the risky situations that might bring them before the juvenile justice system.

On February 2, 1990, we commented on the Office of Juvenile Justice and Delinquency Prevention's proposed comprehensive plan for fiscal year 1990 to that effect and have attached that letter for the record. While we commended the plan, we also pointed out the complete neglect of gender difference as relevant to their program aimed at drug- and alcohol-free youth.

Yet, there are widely different behavioral patterns and societal pressures and responses of young women and young men on many of the issues surrounding problems of the juvenile delinquent behavior.

The Juvenile Justice and Delinquency Prevention Act of 1974, without question, removed many status offenders from incarceration. The record, however, is very uneven among the States, perhaps suggesting a lack of common understanding of delinquency or lack of alternatives within the communities.

In summary, young women, who become offenders, frequently start as victims. When alcohol and/or drugs are added to the mix, they very often proceed both early sexual activity and interaction with the juvenile justice system. Beyond these most serious considerations, there is a desperate shortage in this country of positive developmental experiences for school-age children and young women reaching the crucial transition of school to work.

Young people need assistance in building their individual assets or competencies that cannot be provided by schools alone. As a society we are placing inordinate pressure on single-parent families, two-worker families, and especially on low-income families by expecting them to cope individually with an ailing economy and disintegrating neighborhood services.

Much that is available in communities as support for young people is of a purely recreational nature, and most of it is developed along a male model. The basic strategy has to be that of positive youth development available equally to young women and young men and in gender-appropriate programming. Youth development is increasingly being seen as necessary to our Nation's prosperity. It is also the flip side of delinquency prevention.

For girls and young women this means positive programs that are sensitive to the particular pressures girls face and that provide the skills and resources they need to cope in an equitable world. Girls need to value themselves. They need to practice thinking of themselves as valuable, confident and competent.

Girls need nurture, safety, support, approval and acceptance. They need non-judgmental relationships. Girls need role models to emulate and advocates to champion their causes. They need relationships with adults who expect them to achieve as well as with adults who make demands on their behalf. Girls need information, skills, strategies and resources for making decisions, solving problems, meeting their own needs and leading others.

Girls need close friends and positive relationships. Girls need to be heard. Girls, Incorporated has developed programs and conducted research in many pertinent areas. Most recently we have published the results of an extensive evaluation of our preventing adolescent pregnancy program.

Operation SMART excites girls about pursuing science, math and technology. In Friendly PEERsuasion, a research-based program, girls acquire leadership skills to avoid the hazards of alcohol, tobacco and other drugs and to convince younger girls to also avoid these hazards.

A major step forward in the reauthorization of JJDPA would be emphasis on increased funding for programs directed at preventing delinquency behavior by fostering the development of girls growing up in risky situations. In many ways the females who are adjudicated as delinquents have the same needs as other girls. They require adults who are trained specifically to work with young women and will expect great things from them but, at the same time, be sensitive to the trauma that many have experienced in their homes.

Community service is preferable to incarceration and unlocked facilities are better than locked facilities. As required by law, juveniles must always be removed from the sight and sound of adults if held, even briefly, in the same facility.

Diversion from the system, another goal of the legislation, requires a significant increase in the network of services providing for the young woman who has left her home, voluntarily or involuntarily, because she can no longer live or prosper there.

Among the services most needed by young women in the system are basic education, sexuality and parenting training, career counseling and training oriented to non-traditional jobs or traditional jobs paying decent wages.

We support the reauthorization of the Juvenile Justice and Delinquency Prevention Act. Young people in the juvenile justice system are treated better today as a result of this Act. We suggest that in the reauthorization of the Act the original emphasis on prevention and diversion to community-based facilities should be reaffirmed and strengthened, with the hope that even fewer young people will be held in secure detention or incarcerated.

We believe attention must be given to the way girls and young women, as distinct from boys and young men, are treated in today's society, including the hazards they face and behaviors in which they engage. Training needs to be provided to personnel in all secure facilities and community-based services that reflects this understanding. Services need to be tailored for girls and provided in environments that are respectful and supportive.

In 1983, Girls, Incorporated first adopted a policy statement on juvenile justice, although organizationally we had been deeply involved in the original passage of the law in 1974 and provided research and services in the first decade after passage. That policy statement was revised in 1991 by our governance body, the Girls, Incorporated Council.

I close this testimony quoting that statement in part. "Girls, Incorporated supports equity for girls and boys in the juvenile justice system. Girls, Incorporated does not believe that it is acceptable for a girl to be incarcerated for less serious offenses than a boy nor should she be held in secure detention for a longer period of time than would a boy for the same offense.

"The resources should be at least equivalent to the resources allocated to boys' services. Furthermore, those services should be targeted to girls' special needs and such services for girls and for boys should receive equitable allocations of available funds."

We, at Girls, Incorporated, stand ready to assist you by making available our research and our training capacity and our programmatic expertise as you undertake your task. We urge that you con-

sider special funding for efforts to increase throughout the juvenile justice system an awareness of special strengths and needs of today's girls and young women.

Mr. Chairman, I would like to submit my full statement for the record. Thank you.

[The prepared statement of Rita Redaelli follows:]

Girls Incorporated

girls inc.

Statement of

Rita Redaelli
Executive Director
Girls Incorporated of Newport Mesa, CA
Representing Girls Incorporated

Before the
Subcommittee on Human Resources
of the
Committee on Education and Labor
U. S. House of Representatives

March 16, 1992
Downey, California

National Headquarters
30 East 33rd Street
New York, NY 10016
(212) 689-3700

Congressman Martinez, Congressman Barrett and friends. I am Rita Redaelli, Executive Director of Girls Incorporated of Newport Mesa, California, an affiliate of Girls Incorporated (formerly Girls Clubs of America). My statement here today is on behalf of Girls Incorporated, the nation's authority on girls. We know in Girls Incorporated that prejudice, stereotyping and society's low expectations have held girls back. And we are deeply concerned that these factors are often present in services provided to girls in the nation's juvenile justice system.

At Girls Incorporated, we know how to break traditional patterns, foster girls' leadership skills, and build their confidence. We have developed and tested programs that build girls' capacity to overcome the hurdles they face and become successful adults.

Girls Incorporated is also a national network of nearly 300 centers, located in 122 cities across the country, with an estimated combined operating budget of $41 million. Nationally, 2,500 professionals and 8,000 volunteers run local centers, providing an average of 30 hours of activities per week after school, on weekends and during the summer. As of 1991, Girls Incorporated had a service population of over a quarter of a million. Just over half of the 6 to 18 year old girls served belong to racial and ethnic minority groups; more than three-quarters come from families earning $20,000 or less, and more than half come from single parent households, most of which are headed by women.

In addition, for the past fifteen years, Girls Incorporated has served as a vigorous advocate for girls, raising concerns about equitable and appropriate treatment. In 1978, just four years after passage of the Juvenile Justice and Delinquency Prevention Act of 1974, we held a landmark meeting "Today's Girls: Tomorrow's Women". This three-day seminar brought together many of the nation's experts in health, education, employment training, juvenile justice and girls' services. They focused on the need for girls to receive positive services in the areas of health (including reproductive health), fitness, and education/employment in order to move toward productive adulthood, and to avoid the risky situations that might bring them before the juvenile justice system.

With the help of OJJDP, we published and distributed Today's Girls: Tomorrow's Women, a copy of which has been provided to the Subcommittee by our Washington Office. This was the first comprehensive look at the special conditions for girls in this country. Tens of thousands were distributed throughout the country to educators, researchers, service providers and others interested in a previously overlooked half of our youth. OJJDP funds also enabled us to produce a short film depicting the then startling facts about the differential treatment of girls. Much of the current attention to differential impact of education for girls and resources for girls can be traced to the pioneering work of Girls Incorporated.

In addition, we received a delinquency prevention grant from OJJDP which funded expansion of services to girls in seven cities over a period of three years in the late 70's. This funding enabled our affiliates to expand their services into housing projects and other sites in their communities where girls were in need of positive development programs to supplement their formal education in school. These programs helped girls avoid adolescent pregnancy, avoid substance abuse and learn decision-making skills that helped them believe in the reality of the options of further education and careers. The services initially funded almost fifteen years ago continue today with local support.

We want to commend the Subcommittee for holding this hearing. It was gratifying to learn of your attention to the special needs of girls and young women. That attention is long overdue.

On February 2, 1990, we commented on OJJDP's Proposed Comprehensive Plan for FY90 to that effect, and have attached that letter for the record (Attachment A). We commended the Office for their sensitivity to the crucial roles of racial and ethnic diversity in addition to the shared values of our nation, but pointed out the complete neglect of gender difference as relevant to their program aiming at drug and alcohol-free youth. Yet there are widely different behavior patterns and societal pressures and responses of young women and young men on many of the issues surrounding problems of juvenile delinquent behavior.

Types of Crimes and Offenses

These differences are marked in the types of crimes and offenses girls generally commit. Drawing from data of juveniles held in public facilities in 1989, young women represented only 10% of those held for delinquent offenses, but were 48% of those held for status offenses and other nondelinquent reasons. Only a little over 3% of young males were incarcerated for nondelinquent reasons.

Looking more closely at the delinquent offenses, about 28% of males had committed violent offenses contrasted with 8% of females. According to the November 1990 OJJDP Update on Statistics, property offenses are a major part of the juvenile crime problem. Shoplifting was the most common offense referred to court for youth under 15, while burglary was most common for older youth. By far the most common property crime of females is shoplifting, while males are most likely to be involved in burglary. Girls, whites, and youth 14 through 16 are more likely to be referred to court for running away than other youth. The number admitted to secure facilities while awaiting disposition of their cases varies greatly from state to state.

For nondelinquent offenses, 75% of young women incarcerated were status offenders. Parents are more likely to declare a girl "out of control" around sexual issues than they are to make the same judgment about their son. This reflects the double standard of our society. We will not discuss this further, as Meda Chesney-Lind is a nationally recognized expert in this field. We also know well that many young women run away form home because they cannot thrive there, as the data on abuse strongly support. And young women without a place to sleep are in jeopardy as alternatives are few; in many states confinement is the only safe haven offered to girls and young women in trouble.

Reasons girls turn to delinquency

A Wisconsin study showed that well over half the young women adjudicated delinquent had been physically or sexually abused. The OJJDP 1989 statistics show that 15% of females incarcerated for nondelinquent offenses were there because of abuse and neglect. It is often hard to understand exactly who has committed the offense in these cases.

To underline the serious consequences to young women of such abuse, most often occurring in their home, a study conducted in Washington state with funds from the National Center of Child Abuse and Neglect has just been reported in Family Planning Perspectives. This research also establishes a connection between adolescent pregnancy and prior sexual or physical abuse. The most striking result is the level of sexual victimization among the group of pregnant and parenting adolescent females studied - 66% overall, and 62% prior to their first pregnancy. Eleven percent of respondents who were sexually victimized prior to their first pregnancy had exchanged sex for drugs, compared with 1% of those who had not been abused.

Similarly, victimized young women were much more likely to exchange sex for money or for a place to stay.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 without question removed many status offenders from incarceration, but the record is very uneven among the states, perhaps suggesting a lack of common understanding of delinquency or lack of alternatives within communities.

In summary, very often young women who become offenders start as victims. When alcohol and/or drugs are added to the mix, they very often precede both early sexual activity and interaction with the juvenile justice system.

Beyond these most serious considerations, there is a desperate shortage in this country of positive developmental experiences for school age children and young women reaching the crucial transition of school to work. Young people need assistance in building their individual assets or competencies that cannot be provided by schools alone. As a society we are placing inordinate pressure on single parent families, two-worker families and especially on low-income families, expecting them to cope individually with an ailing economy and disintegrating neighborhood services.

Needed Programs and Services

Much that is available in communities as support to young people is of a purely recreational nature, most of it developed along a male model. Every Girls Incorporated affiliate is replete with anecdotes that their members tell of the first choice of courts, fields, coaches, times, and public attention going to young men.

The basic strategy has to be that of positive youth development, available equally to young women and young men and in gender-appropriate programming. Youth developemnt is increasingly being seen as necessary to our nation's prosperity. It is also the flip side of delinquency prevention. For girls and young women, this means positive programs that are sensitive to the particular pressures girls face and that provide the skills and resources they need to cope in an inequitable world. We suggest as underlying themes for any specific type of program:

1. Girls need to value themselves. They need practice in thinking of themselves as valuable, confident and competent.

2. Girls need nurturance, safety, support, approval and acceptance. They need nonjudgmental relationships.

3. Girls need role models to emulate and advocates to champion their cause; they need relationships with adults who expect them to achieve as well as with adults who make demands in their behalf.

4. Girls need information, skill, strategies and resources for making decisions, solving problems, meeting their own needs and leading others.

5. Girls need close friends and positive relationships with less intimate peers.

6. Girls need to be heard. They need environments in which they are taken seriously for who they are, what they do and how they think and feel. Girls need to experience equity of gender, race, ethnicity and social class.

We believe in comprehensive programs tailored to the age and developmental stage of the girls and young women we serve. Each girl is entitled to programs that help her make connections to future education and careers, appreciate her own heritage and the culture of others, feel comfortable in her body, gain tools to express herself, develop a sense of security and a sense of adventure, rely on herself, take responsibility for her actions and acquire the capacity to make good decisions.

Girls Incorporated has developed programs and conducted research in many of these areas. Most recently, we have published the results of an extensive evaluation of our Preventing Adolescent Pregnancy program. Operation SMART excites girls about pursuing science, math and technology. In Friendly PEERsuasion, a research-based program, girls acquire leadership skills to avoid the hazards of alcohol, tobacco and other drugs and to convince younger girls to avoid these hazards also.

A major step forward in the reauthorization of JJDPA would be emphasis on increased funding for programs directed at preventing delinquent behavior by
fostering the development of girls growing up in risky situations. In many ways, the females who are adjudicated delinquent have the same needs other girls do: adults trained specifically to work with young women, to expect great things from them but to be sensitive to the trauma that many have experienced in their homes. But community service is preferable to incarceration, and unlocked facilities are better than locked facilities. As required by law, juveniles must always be removed from the "sight and sound" of adults if held, even briefly, in the same facility.

Diversion from the system, another goal of the legislation, requires a significant increase in the network of services that provide for the young woman who has left her home, voluntarily or involuntarily, because she can no longer live or prosper there. Case management must be available for the young woman and her family to put their lives back together. Whenever possible, that is, whenever it is not threatening to the young woman, she should be left in her home, but this may require extensive service and support for the entire family to develop new patterns of behavior and consideration if there has been a history of victimization of the girl(s) in the family.

Among the services most needed by young women once they are in the system are basic education, sexuality and parenting training, career counseling and training oriented to nontraditional jobs or those traditional jobs that pay decent wages.

Reauthorization of JJDPA

We support the reauthorization of the Juvenile Justice Delinquency Prevention Act. Young people in the juvenile justice system are treated better today as a result of this act.

We suggest that in reauthorizing JJDPA that the original emphasis on prevention and diversion to community-based facilities should be reaffirmed and strengthened with the hope that even fewer young people would be held in secure detention or incarcerated in the future. We believe attention must be given to the ways girls and young women, as distinct from boys and young men, are treated in today's society, the hazards they face and behaviors they engage in. Training needs to be provided to personnel in all secure facilities and community-based services that reflects this understanding, and services need to be tailored for girls and provided in environments that are respectful and supportive.

In 1983, Girls Incorporated first adopted a policy statement on juvenile justice, although organizationally we had been deeply involved in the original passage of the law in 1974 and provided research and services in the first decade after passage. That policy statement was revised in 1991 by our governance body, the Girls Incorporated Council (Attachment B).

I close this testimony quoting that statement in part:

> Girls Incorporated supports equity for girls and boys in the juvenile justice system. Girls Incorporated does not believe that it is acceptable for a girl to be incarcerated for less serious offenses than a boy nor should she be held in secure detention for a longer period of time that would a boy for the same offense. The resources should be at least equivalent to the resources allocated to boys' services. Furthermore, those services should be targeted to girls' special needs .... [and] such services for girls and for boys should receive equitable allocations of available funds.

We at Girls Incorporated stand ready to assist you by making available our research and our training capacity and our programmatic expertise as you undertake your task. We urge that you consider special funding for efforts to increase throughout the juvenile justice system an awareness of the special strengths and needs of today's girls and young women.

ATTACHMENT A

GCA GIRLS CLUBS OF AMERICA, INC.
30 EAST 33rd STREET, NEW YORK, NY 10016 • (212) 689-3700

February 12, 1990

Terrence S. Donahue
Acting Administrator
Office of Juvenile Justice and
Delinquency Prevention
Room 742
633 Indiana Avenue n.W.
Washington, D.C. 20531

Nancy Reagan
Honorary Chair

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Margery [illegible]
National Executive Director

Dear Mr. Donahue:

Girls Clubs of America Inc. is pleased to have the opportunity to comment on the Proposed Comprehensive Plan of the Office of Juvenile Justice and Delinquency Prevention for FY 1990.

We commend the Office for its innovation in announcing a comprehensive plan. To our knowledge this has not happened in previous years. Certainly the development and public notice of a comprehensive plan is an important strategy in addressing the goals of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). It puts federal and state agencies, community-based groups, and youth-serving organizations on notice regarding priorities. Understanding these priorities makes it possible for government and non-government groups to collaborate and support one another in addressing the needs of youth.

However, we suggest that the timing of such public notice be given greater consideration in the future. The Comprehensive Plan proposal appeared in the December 28, 1989, issue of the Federal Register (vol. 54, no. 248). Because activities during this week are minimal for most groups given the focus on family and traditions at that time of the year, the publication was overlooked by many regular Register reviewers. Once it surfaced through the backlog of papers, precious little time remained for organizations to prepare comment. With regard to this matter of the timing of public notice, we further suggest that youth-serving and other related groups which may be on your mailing list receive direct notice through the mail. In this manner it is less likely that such an important document will be overlooked.

In addition, we commend the OJJDP for its efforts to be sensitive to the role of racial and ethnic diversity in family and community settings. Researchers have long recognized that children learn values primarily from their families and community. It is not enough to recognize our shared values. To ensure the communication of society's values on drug- and alcohol-free youth, as well as on civic responsibility and behavior, such values must emanate from the institutions and role models that are recognized by our diverse communities.

We do note, however, that the comprehensive plan does not demonstrate a similar level of sensitivity to gender difference. There is no mention of prevention activity, research, or training which is specific to the needs of girls and young women. Just as it is important to address racial/ethnic differences in promoting the goals of society, so it is vital to understand and build upon the differing experience of girls and women in our societies. Girls Clubs of America has been doing research and programming for girls and young women for over 40 years. Such work has demonstrated that girls and boys have developmental differences which are important to the implementation of programs designed for particular age and maturation groups. Consequently, girls and young women are not adequately served when they are part of co-educational programs which have not been specifically designed to address their needs.

In the area of juvenile delinquency and drug/alcohol prevention, girls are especially overlooked. Yet many groups of girls are increasingly at-risk of school dropout, teen pregnancy, engaging in drug and alcohol abuse, as well as other delinquent behaviors. Girl-serving agencies must be targeted to collaborate with OJJDP, just as agencies are which are specific to race and/or ethnicity. Without this focused approach, state and local officials will continue to be baffled by the rise in delinquent behaviors of girls.

Moreover, because girls and young women in the justice system have never received the attention and resources provided their male counterparts, when girls and young women become delinquents, they have even less chance of emerging as "rehabilitated" citizens. It is very important, therefore, that the components of the OJJDP plan which address "Causes and Correlates of Delinquency" target the specific needs and behaviors of girls. Other

continued. . .

program components in which a specific focus on girls is needed are 'Super Teams', and 'Children in Custody'. We advise that all programs examine how they address girls' needs, however for the immediate year, the programs just mentioned will be seriously flawed, and children's lives will continue to be at great risk, if a focus on girls and young women is not included.

Finally, we wish to note that although these comments are only offered by Girls Clubs of America, we believe that many girl-serving agencies share our concerns. We, therefore, encourage the Office of Juvenile Justice and Delinquency Prevention to meet with some of these agencies to begin to discuss matters of gender difference and sensitivity. Further, we offer our services in assisting in the arrangement of such discussions and invite you to call upon our expertise.

Thank you for this opportunity to comment. We look forward to an ongoing dialogue.

Sincerely,

Margaret Gates

Margaret Gates
National Executive Director

Attachment B

GIRLS INCORPORATED
POLICY STATEMENT
JUVENILE JUSTICE

Girls Incorporated endorses the right of girls and young women to understand and derive the full benefits of the legal system of our country. We support programs that foster girls' knowledge and understanding of the law and encourage girls to function within its boundaries. Despite these efforts, some girls will come into contact with the juvenile justice system, usually for non-criminal acts, commonly called status offenses. Therefore, Girls Incorporated urges the development and adequate funding of those programs that distinguish and separate girls who are status offenders from those who have committed criminal acts. Services for status offenders should be provided in appropriate settings, that is, not in detention centers, jails or other locked facilities.

Girls Incorporated supports equity for girls and boys in the juvenile justice system. Girls Incorporated does not believe that it is acceptable for a girl to be incarcerated for less serious offenses than would a boy, nor should she be held in secure detention for a longer period of time than would a boy for the same offense. The resources allocated to services and facilities for girls who are incarcerated should be at least equivalent to the resources allocated to boys' services. Furthermore, those services should be targeted to girls' special needs.

For all girls who do come into contact with the juvenile justice system, we advocate programs that strengthen family units, foster decision-making skills, offer job training, utilize community-based settings and provide opportunities for alternative education. We believe that whenever possible girls should be returned to their families, but that such placements are always inappropriate if they put girls at risk. It is critical that family and community-based programs for troubled girls receive adequate funding to meet the needs of these girls. Further, such services for girls and for boys should receive equitable allocations of available funds.

Adopted by the Girls Incorporated Council, April 27, 1991

Chairman MARTINEZ. I probably should have announced in the beginning that all the written statements that are submitted will be entered into the record in their entirety, and we will leave the record open to receive additional testimony to be included in the record.

Before I begin the questioning, let me make a statement. You know, as we have traveled around and we have seen some of the programs that are in existence, so many of them are community-based. The initiative comes from the communities to help these situations and really a good deal of the funding also comes from those communities and people of good conscience who decide they want to help because they realize there is a problem.

And in those programs, even there, sometimes they are ignoring female delinquency. I do not think they do it intentionally. I think that because they have traditionally thought of delinquency problems being with young men, not with young women, in the plans that they have set, the programs are geared really more at boys.

A lot of these programs, although the base of their funding comes from the communities and the organizations that support them, still do use Federal dollars, and so in using those Federal dollars there may be something that we can do to raise their consciousness level to the fact that they should be treating boys and girls equally.

You mentioned in your testimony, Dr. Deschenes, the gender biases. Can you give me some specific examples of what you mean by that?

Ms. DESCHENES. The primary examples involve the fact that girls are locked up for less serious offenses and authorities feel that females need to be protected. That has been the basic difference. And boys are locked up for the serious offenses.

Another example is that girls often spend a longer time incarcerated than boys do for the same types of offenses.

Chairman MARTINEZ. Yeah, I understand the biases there and it comes from desire really to protect, not realizing that they have to do more than just protect. I thought maybe there was some inference that in the programs provided, there was also inequity and what do we do to—you know, there are a lot of my colleagues that do not like the word set-aside.

You direct in the law that a certain amount of money be expended or the money be expended equally for girls' programs as for boys' programs. How do you overcome some of that? And then you go back to the first thing I said about community-based organizations, you know, you cannot impose on the moneys they contribute. You have to suggest to them in some way that they be more aware of the problem that, "Hey, the girls have specific needs. Specific programs are needed for them," et cetera.

How do we, as a national policy-setting body set a policy that makes them understand that these are the things they have move on?

Ms. DESCHENES. I think part of the direction should be towards increasing the funding, specifically for research of girls. I know that there is very little research that has been done specifically on girls. I, myself, have been trying to do research on girls' programs, but the problem is that proposals usually do not get accepted or

there are so few programs out there that it is difficult to study the issue.

Chairman MARTINEZ. All right, what you are suggesting then is maybe there be some specific language in the reauthorization that says, "The Secretary will grant a specific amount of money for research on problems affecting girls."

Ms. DESCHENES. I think that and I also think that we should support research on delinquency prevention in particular. The longitudinal studies are showing a great co-occurrence of drug use, delinquency and victimization. I think that if we put more efforts into delinquency prevention, specifically towards these Girls, Incorporated types of programs, we will have much better efforts.

It does not have to be more money than for boys, but I think there should be an emphasis on getting as many girls in these programs as there are boys in these programs.

Chairman MARTINEZ. That is what I mean, short of a set-aside, saying, "You will spend a specific amount of money for such-and-such." Because sometimes a set-aside is the only way you can get funding for a specific program. In defense contracting, that is the only way that the minorities started getting a fair share of the contracting is when the Congress decided that there would be set-asides and you specifically identify the source of money for that.

The thing is that in the places we visited, we have seen an increase in gang activity by young women who are bearing children, and are now rearing that child in a gang tradition. And that did not used to happen. We have pictures of them wearing the colors of the gang and at 5 or 6 years old holding a gun in their hand. Can you imagine how those kids will turn out in generations to come?

Ms. DESCHENES. I think that is somewhat rare in the areas that you've been seeing it. I think there always have been girls that have been parts of the gangs. The mothers have also, in some cases, been with their sons in the gangs, contributed to their gang delinquency and not tried to get them out of the gangs. I think that there are different movements here in Los Angeles, particularly in the Watts neighborhood, where the mothers are fighting against the gangs.

Chairman MARTINEZ. Well, what is rare today becomes tomorrow, unless something is done to check it, a customary thing. I do not think that a few years back that anybody thought that they would see White Bloods or Crips. But there are now White Bloods and Crips. And they used to be just black.

Ms. DESCHENES. But I do not think the gangs are really the problem. The gang problem represents a small minority. There are not that many girls in gangs. The real problem is the girls who are the runaways, the homeless, the ones who are being caught for shoplifting; the programs are not geared to them.

The gangs are a very small part of the program, although they are an important part of our problem with delinquency. We need more services, such as prevention services, for the regular girls.

Chairman MARTINEZ. Well I think if you get some funds to do some research you will find that the number of girls that play an important part of gang membership is increasing rapidly. There are a lot of other problems connected with girls, and a lot of them

stem from a bad home environment, which leads me to another question that I have and maybe you can answer it for me.

In receiving testimony, I have gotten the impression that in many cases the valid court order is used to put people, especially girls, in lock-up because they keep running away from home. In the case of girls, there has got to be a reason why they are running away.

I did hear of a case in which there really was not what I consider an adequate job done in determining why the youths were running away from home and violating the valid court order and getting locked up. And I think that if you are going to exercise that court order because a youth continues to run away that you really ought to try to find out why he or she is running away. It is not an easy thing to do, they do not always come forward.

In one instance, one particular individual told me that it was really sexual abuse that made her run away, that she didn't want to talk about. And, you know, how do you get it out? In your experiences, do you find that the court order in many cases is abused?

Ms. REDAELLI. Libby, maybe you can answer that question better than I can, but from my experience as an executive director of Girls, Incorporated and working particularly with teens, for teen girls who do run away, the problem usually resides at home. There is either a dysfunctional situation, alcohol, or sexual abuse of some kind.

I really cannot answer what the effects of a court order are. I know that with the programs which we offer at Girls, Incorporated, we provide an environment where a girl feels important. She is able to find help through those programs, and learns what to do as a victim at home.

We act as resources or lead them to resources where they can get help to rectify their situation at home. Girls, Incorporated is the authority on girls in the Nation, in the programs that we develop for them. Part of our name change, Girls, Incorporated from Girls Clubs of America, came from the tremendous research that we had been putting into girls programs.

Back to your first question, I think that when we look at our Nation's prosperity as the bottom line, the reality that women make up over 50 percent of the workforce, should be enough of an impetus to procure more funding to help girls. It is going to effect our Nation's economy. We need to prepare our girls. And we need to start very young with age-appropriate programming.

Girls, Incorporated has all of these types of programs that address these issues at the girls' appropriate age and development. I have answered, indirectly, both questions.

Chairman MARTINEZ. One of the things is, you know, when you spoke in this last sentence about the programs that you have that are effective, and as we have studied the programs and the things you offer, we have seen that they are effective. We have seen other effective programs as we visited different sites. But in every instance where I have seen these successful programs, I noticed that they only reach a small percentage of the total need.

And the Federal Government has very limited funds to increase that percentage as everything has its priority and we are in a budget deficit and so on, and so on. But that is not a reason why

we cannot find some way to fund these programs that are so important to the future of our country. But by the same token, I believe Federal money should be seed money that encourages somebody else to put money into good programs.

Because after all, we all have a responsibility to our society. We cannot sit, like we have done for so many years, and say "it is not my problem because it does not directly affect me today, or because I do not have someone that it has directly affected that I am concerned about."

We all have to be concerned for each other as a total community. Let us say we do finally get a bigger appropriation for this. How do we leverage that money to the greatest extent to get others to participate in it. Do you have any suggestions?

Ms. REDAELLI. First, I would suggest being a strong advocate. I think traditionally funding sources give more to male-oriented organizations and agencies. I think we need, from your level, strong advocates to state the importance of girls' services.

Word will pass along to other types of funding sources. They will, for example, want to get Girls, Incorporated, to offer training programs to the Juvenile Justice Services and other youth-serving organizations. Then the programs which reach these girls will be run by trained facilitators.

Various youth-serving organizations can acquire programming to meet the special needs of girls. Not all youth organizations do. Most are recreational in nature. Or schools, in their after-school programming, might have a venue to reach the girls with these programs, instead of just hanging out recreationally.

I think that, number one, it is important to be a strong advocate to the YMCA's, to the after-school programs, to the school districts, to Girl Scouts and Boy Scouts, and to the churches. Is there a chance for them to be able to deliver these types of programs? That is the flip side of delinquency to prevention as well as funding.

Chairman MARTINEZ. I think that maybe if information from hearings like this one and other public information be put out on a national level so that it raises the conscience level of people who had before not even thought of the issue of unequal services to girls because they think that delinquency is a boy's problem, not a girl's problem.

Dr. Deschenes, on the issue of the abuse of valid court orders, do you believe there is any abuse out there? In regard to girls I am talking about their tendency to run away from home. And usually a valid court order is issued to force them to stay in the home, and when they do not then the girls are locked up. And this is done without, I think, really finding out why that person is running away from home. Do you agree?

Ms. DESCHENES. I cannot really answer that question. But I would like to add that I think we know why some of the girls are running away from home. We have heard testimony here, I have talked about their victimization. I think that we need more programs for the young girls as we have developed for some of our female offenders.

We need more shelters and semi-independent living situations. It may not always be appropriate to preserve the family. There may

be such a terrible situation that they cannot go back, and that is why they keep running away.

There needs to be an increase in the smaller programs such as shelters where girls can be fostered, not necessarily foster homes, but shelters where services and counseling for these juveniles can be provided. We need to find out what these victimization issues are.

I know from my few experiences in the programs that I have visited, that the girls are very reluctant to talk about the issues of sexual abuse and victimization. It takes quite a long time before they will open up.

Chairman MARTINEZ. It is so appalling to me that children are brought up in these abusive situations, maybe because I was brought up and I raised my own family, my five children, in a whole different atmosphere.

In fact, I had a son who wanted to be a policeman, and after working 6 months with the police department, seeing the kinds of family traumas out there, he decided, because it was so foreign to him and the way he was brought up, that he decided that is not what he wanted to do. And it was probably just as well.

There are probably a lot of other questions. We will continue the dialogue as we proceed towards the reauthorization. At this time I would like to turn to Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman. Excellent testimony. I appreciate both of you and what you have told the subcommittee. Rita, I guess in terms of Girls, Incorporated, you indicated that you have a network now of nearly 300 centers and about a $41 million operating budget. I guess my question essentially is, what is the source of the funding?

Ms. REDAELLI. Foundations and grants.

Mr. BARRETT. And individuals, foundations, corporate community?

Ms. REDAELLI. That is correct.

Mr. BARRETT. Okay. No tax dollars?

Ms. REDAELLI. Some of the local centers receive community development block grants. That is the extent of it. At times we applied for State funding for child care, which is a part of our after-school quality supervised care services. But minimal.

Mr. BARRETT. Okay. Thank you. I guess we are all in common agreement that girls are held in detention more than boys. And I wonder if we can also agree that the majority of girls in the private facilities are held for the non-delinquent cases, the runaways and so forth, is that generally true?

Ms. DESCHENES. That is generally true.

Mr. BARRETT. Okay. How about the kids that are held in private facilities, being held considerably longer than those in public facilities. Is that generally true? Some of the research I did indicated that those that are held in private facilities are held there considerably longer than those held in public institutions.

Ms. DESCHENES. That varies greatly by State. I know some States with programs that are only 2 to 5 months for their private facilities as compared to much longer, 13 to 15 months, for the public facilities.

Mr. BARRETT. So you would not necessarily agree with that statement. Rita, how about you?

Ms. REDAELLI. I really cannot make a comment on that, Mr. Barrett, I really do not know.

Mr. BARRETT. What about a situation then, I guess research also tells us that boys, when they are held longer in a detention situation, sometimes it rubs off, they become a bigger part of the problem if they are held longer. Would this necessarily be true for girls, or is there any research that points in that direction? In other words, a kid that is held longer is going to be a better case for continued delinquency.

Ms. DESCHENES. Are you talking detention or training schools?

Mr. BARRETT. Both?

Ms. DESCHENES. Okay. We have seen problems in the past where girls who were held for a long time in detention centers suffered severe victimization within the detention centers and possible suicide risks. In terms of training schools, there is no evidence that I know of about girls. However, from the comment that I made earlier, I would think that it takes longer for the girls to confront their problems. Perhaps holding them longer might make sense if one is making headway with those problems.

In terms of the length of time, I believe that the average length of time is about 12 months in a residential training school. We are finding that 12 months is just too long. Progress can be made with a much shorter residential program as long as you have appropriate aftercare services for them when they return to the community.

What is needed is more Federal funding to be given through the States, perhaps similar to the moneys that have been given to the drug programs through the Federal drug block programs. There needs to be funding for girls' programs, such as aftercare. There also needs to be an increase in the regular supervision of girls in the community.

Ms. REDAELLI. Congressman Barrett, I would like to add to that. Girls, Incorporated has done research on the development of some of our specific programs. It has been proven in our research that boys thrive with male role models, stronger figure models, around them. They seem to do better in these kinds of environments, whereas girls do not.

I do not believe that the public or private facilities which you are referring to have the training or research data to allow them to serve girls in an appropriate way. Based on the research that we have done, Girls, Incorporated has proven that girls do best with peer training and our trained facilitators. They work with girls to train other girls.

Once again, I do not believe that the public facilities which we are talking about have that understanding or research, or the materials available to deliver programming and help the girls the way they need to be helped. Girls, Incorporated can offer that assistance.

Mr. BARRETT. Thank you. And would you also agree that the average of 12 months is a little bit too long?

Ms. REDAELLI. Yes.

Mr. BARRETT. Okay. Great. Thank you very much. Thank you, Mr. Chairman.

Chairman MARTINEZ. Thank you, Mr. Barrett. Thank you both for appearing before us. Your testimony is invaluable to us. And like I say, we will keep a dialogue going. There may be questions that we come up with or think of afterwards. We would appreciate it if we sent those through the mail to you, you would respond to us. And those would be included in the record. Thank you again.

Ms. REDAELLI. Thank you.

Ms. DESCHENES. Thank you.

Chairman MARTINEZ. Our next panel consists of two young people who are participants in programs and Ms. Vicki Burke, who is the director and founder of PACE Center for Girls. The one young lady we will not identify for confidentiality purposes. If you would come up and sit in the front here. And I understand you have someone with you, would you like to come up and sit with her? There are four chairs here. Ms. Vicki Burke, I understand Ms. Talaya Ford is with you. And if you can sit on this other side over here and then the two of you can sit on this side. I would like to first hear from the young lady who we are not identifying today.

STATEMENT OF UNIDENTIFIED PARTICIPANT, CHILDREN OF THE NIGHT, LOS ANGELES, CA

The PARTICIPANT. I am 15 years old and I have been away from home since I was 13. My dad kicked me out. He really did not care what happened to me. I spent the last 2 years struggling to survive on the streets. So many things have happened to me. I was kidnapped and forced to do things I did not want to do. Just 2 weeks ago I was jumped and left for dead. That left permanent scars. I am trying to recover from partial blindness.

About 6 months ago I was placed into a group home. I was treated like the girls that came straight out of juvenile hall. I preferred to be on the streets than in there. Most of the kids are on the streets not because they ran away but because of family rejection. Like mine was. They need places to go. Some can get counseling and return home, but some cannot. They need places where they can receive services like shelters, such as Children of the Night or Angel's Flight. At these places kids can leave but then return if what they left for did not work out.

SODA beds are another alternative. The people who own these beds are paid about $900 a month just to have the beds open. Most of the kids sent there do not end up staying, because it is only for one night. When they first get there they are told that they do not have to stay. That $900 a month can be used to build shelters for more extensive stays and services. That would help homeless children a lot. Thank you for listening.

Chairman MARTINEZ. Thank you. Your father kicked you out?

The PARTICIPANT. Yes.

Chairman MARTINEZ. Where is your mother? Is your mother alive?

The PARTICIPANT. Yeah.

Chairman MARTINEZ. And your mother would not take you in? Are they living together, your father and mother?

The PARTICIPANT. No.

Chairman MARTINEZ. Then your mother, did you try to get help from your mother?

The PARTICIPANT. I just met her about a year ago.

Chairman MARTINEZ. You just met her about a year ago?

The PARTICIPANT. And we are sort of getting counseling to get to know each other.

Chairman MARTINEZ. Do you feel you are receiving the help you need now?

The PARTICIPANT. Yeah, I am.

Chairman MARTINEZ. How many beds are there at the facility where you are staying?

The PARTICIPANT. Right now there are seven. There was just a new building put together with 24 beds.

Chairman MARTINEZ. It hardly makes a dent in the real problem out there, does it?

The PARTICIPANT. More can help. I mean, there are some shelters that really do not do anything for anybody. They let you do what you want, leave as you want, go out during the day. It just exposes you to being on the streets.

Chairman MARTINEZ. You are a bright young woman. And you are very articulate. Are you attending school at the present time?

The PARTICIPANT. Not right now. My plan is to get into school. If things go well I will graduate next year. I plan to attend occupational school. By the time I am 16 I can get a job and save money for an apartment.

Chairman MARTINEZ. How long are you going to be allowed to stay in the facility you are in now?

The PARTICIPANT. They set something special up for me so I can stay until I get enough money to get an apartment.

Chairman MARTINEZ. That is great. You know, in many cases these facilities are only temporary. They do not really provide for young people long-term. I am glad this one is providing for you. Do you feel now you have a positive direction in your life, because somebody reached out and helped you?

The PARTICIPANT. Yes. I feel that the plan that I have worked out now is going to help me a lot better than any foster home would have. Some foster homes are terrible. Believe me.

Chairman MARTINEZ. Amen. I hear more horror stories coming out of foster homes. It is a shame, because I believe that one of the things we ought to provide for children as a society is a place for them to grow up where there is love and caring. And a lot of our social problems come from the fact that kids are not brought up in a loving, caring home. Certainly we all have to be judged before our Maker eventually some day. I cannot understand the mentality of a man that would throw his daughter out on the street at 13 years of age. What grade were you in at 13?

The PARTICIPANT. I was in eighth grade.

Chairman MARTINEZ. Eighth grade. And so you have missed 2 years of school then?

The PARTICIPANT. I have missed 2 years, but I have taken tests and presently I am in the 11th grade.

Chairman MARTINEZ. Like I say, you are very articulate, and you sound like a very intelligent woman. You have written a good

statement. Better than some people I know. But no, you should be encouraged to really keep a positive attitude and move ahead. And I am going to tell you something, anything you can think of in your mind, you can achieve, if you just have the patience and desire and if you look for the people that will help you. There is always going to be people that are going to try to knock you down. Ignore them. Go around them and find the people that will help you. And you can make it. Good luck to you.

The PARTICIPANT. Thank you.

Chairman MARTINEZ. Ms. Ford?

STATEMENT OF TALAYA FORD, PARTICIPANT, PACE CENTER FOR GIRLS, JACKSONVILLE, FL

Ms. FORD. Mr. Chairman, my name is Talaya Ford. I am 16 years old and a graduate from the PACE Center for Girls in Jacksonville, Florida. I appreciate the opportunity to tell you about myself and how I have changed my life in a positive way. I hope that my experience will assist you in helping other girls who may be in similar situations.

I would like to give you some background information about myself. I am originally from Philadelphia, where I lived with my grandparents. My father was in prison since I was 2 years old, and my mother became a drug addict when I was 6 years old. My grandparents were the ones who raised me.

When I was 10 years old my grandmother died, so my mother wanted me to come live with her in Jacksonville, Florida. This made me feel badly since my mother had never been there for me before. It was hard being separated from my grandfather, who was like a father to me.

When I was 11 my grandfather moved to Jacksonville, Florida, which helped. But I still did not get along with my mother. My mother did not understand why my attitude was changing and assumed that I was on drugs, which at the time I was not. She placed me in a drug treatment program in an attempt to make things better. All this did was upset me, to be placed where I did not belong.

After returning home I was angry, and our relationship got worse. This is when I began sneaking out of the house during the night and going to nightclubs, even though I was only 13 years old. I eventually ran away to stay with friends. My mother put a custody order out on me and I was picked up by the police and held in a detention center for a week. This is when the social services agencies became involved.

I went to court, where my mother said she did not want me at home. I did not want to go home. I was placed in a foster home. I did not like being in the foster home because I felt out of place. The home was not heated properly and the foster parents were nasty towards me and the other foster children. That is why I ran away from there.

I tried to live on the streets, staying with friends, but I soon realized that I could not take care of myself. When I got sick I turned myself in to the social service agency. They took me back to the detention center for several days and then placed me in yet another foster home for girls. It was better than the other foster home, but it was still not somewhere a person should live. During the time I stayed there I saw girls trying to kill themselves. They would cry every day, and so would I.

About 4 days later I was told I was going to be sent to another foster home. I could not handle being shifted around and being treated like nobody cared what happened to me. I ran away from there, even though I already knew that living on the streets was not a good life. I felt it would be better than going from foster home to foster home.

For the next 2 years I lived with friends, not going to school, using drugs, drinking and wasting my life away. I continued to have contact with my grandfather, because he was the only person that I felt really cared about what happened to me.

When I was 14 I was driving my friend's mother's car and I hit a school bus. The ambulance took me to the hospital. The police gave me tickets for reckless driving.

After I was released from the hospital I continued to stay with friends again. My life did not change. I was around people doing nothing for themselves, and therefore I had no hope for the future. When I was 15 my grandfather died. I tried to blame everyone else for his death. I felt angry, sad, and most of all very alone. The most important person to me in my life was now gone.

One of the last things my grandfather told me was that I was going to get my education. He believed in me and saw a better future for me. That was a turning point. I then knew I had to change my life.

I turned myself in to the police and was taken to the detention center. I heard about the PACE Center for Girls and felt like there might be an opportunity for me to get my education. When I went to court it was decided that I could move back with my mother. We worked on our relationship and began getting along better.

I also enrolled in the PACE Center for Girls. The program taught me many things. I learned not only academics but also the life skills I needed to make it. I felt as though the staff really understood me. They taught me how to set goals, achieve them, and then recognize my accomplishments. This made me feel really good about myself. I had a very special advisor at PACE who helped me deal with my personal problems as well as school problems. She met with my mom monthly to discuss progress and to talk about how things were going at home.

This also helped my relationship with my mom. I earned my high school diploma and am currently taking a computer course through the community college and working part time. When I turn 17 I will enroll in the college nursing program.

It was not a judge that made me want to go to school, or the social workers who made me want to better my life. It was people who cared, who made me know that I deserved better. Being in and out of the detention center and foster homes did not help any. To tell somebody you were in places like that was like boasting old

war stories. But to tell someone how people like my grandfather, my mother and the people at PACE gave me that push and confidence to make me want to strive for excellence, was like telling someone how I won the war.

Thank you.

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When I was 11 my grandfather moved to Jacksonville which helped but I still didn't get along well with my mother. My mother didn't understand why my attitude was changing and assumed I was on drugs—which at the time I wasn't. She placed me in a drug treatment program in an attempt to make things better. All this did was upset me to be placed somewhere I didn't belong.

After returning home I was angry and our relationship got worse. This is when I began sneaking out of the house during the night and going to nightclubs, even though I was only 13 years old. I eventually ran away to stay with friends. My mother put a custody order out on me and I was picked up by the police and held in the detention center for a week. This is when the social services agencies became involved. I went to court where my mother said she didn't want me home and I didn't want to go home. I was placed in a foster home.

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But to tell someone how people like my grandfather, my mother and the people at PACE gave me that push and confidence to make me want to strive for excellence, was like telling someone how I won the war.

Chairman MARTINEZ. Thank you, Ms. Ford. We will hear from Ms. Burke?

STATEMENT OF VICKI BURKE, DIRECTOR AND FOUNDER, PACE CENTER FOR GIRLS, JACKSONVILLE, FL

Ms. BURKE. Good morning. My name is Vicki Burke. I am the director of PACE Center for Girls. It is a non-residential, community-based program that we started about 7 years ago, primarily for status offenders. Eventually we ended up taking delinquents, dependents, high school drop-outs, and teen parents, primarily just girls.

What we see is that they all have basically similar problems. Frequently, there is a history of some dysfunctional family, maybe their parents were substance abusers. As Talaya told us, it may be a father who was in prison or a mother who was in prison.

I had this great speech prepared about how boys act out differently than how girls act out. But you already gave it. So I am just going to take a few minutes to tell you what we did in Florida and what we are doing in Florida, for girls.

When we initially started the program, I called our State social services agency to find out what other kinds of programs there were in the State, on which we might be able to model ours in Jacksonville. At that time we had no programs for girls in our city. The information I got was that there are no programs for girls in the State of Florida. So they really could not help us.

I am a social worker. I tried to do some research around the country but obviously did not have the skills to do that. We ended up just making up our program. When we made mistakes, we would quit doing whatever was going wrong. If we learned something that worked, we would start doing that.

There are several reasons why our programs are so successful. It is non-residential, we keep the young women at home whenever possible. There are situations when it just does not work out for them to stay at home. But most of the time, if we can keep a girl at home and work problems out there while she is at home, the situation is really going to change for the better.

I think we are successful because our staff-student ratio is so low. Our classroom size is no larger than one to ten. We do this primarily because most of our girls have been out of school for at least 1 or 2 years. We have had some 16-year-old girls who are still in the fourth grade. Chances of them finishing high school are pretty much nil.

I think another reason for our success is that our program is not geared solely to addressing pregnancy, substance abuse, or dropping out of school. It encompasses all of the problems. If we have a mother who is a substance abuser and we are trying to help her daughter, we are going to do whatever we can do to get her mother help as well. If we have a mother who is not employed, we are going to do whatever we can do to help her find employment.

We do not just take one girl and say, "Okay, we are going to fix this particular problem right now." Instead, we look at everything that is going on in her life and work it from that perspective. If we know everything that is going on in her life, we can really address all of the problems.

It does take a long time to find out about things like sexual abuse, but there are some pretty neat things that can be done which do not take a lot of time. For example, we have several experts on sexual abuse in our cities. We have many folks come in from the community to talk about their jobs or whatever they are familiar with.

We will have somebody come in from the child protection team to talk about sexual abuse. She might talk to 20 girls. As soon as she finishes talking it is incredible how many hands are raised. It would probably take us months to get to that. But because this one expert comes in and talks very candidly and openly about sexual abuse, it takes no time at all for other girls to think, "Gosh, that happened to me, I am not alone."

Another reason for our success is that we are really focused on what we are trying to do. We think that education is the only way these girls are going to have a better life. This does not mean just high school, but going on further than that. The goal is to go on to college, to go on to vocational school.

One absolutely has to graduate from high school. But in order to really be able to take care of oneself and not be dependent on someone else, more than just a high school education is needed these days.

Another thing we do is assign each student, as soon as she comes in, an advisor who is responsible for her the entire time she is at our program. This means that if she needs glasses, her advisor will get her glasses. If she needs to go to court, her advisor goes to court with her. Advisors do home visits with the parents to let them know what types of goals we have set up for the girls in the program, and whether or not their daughters are achieving those goals.

We also have goals set up at home and discuss with the parents whether or not the girls are achieving those goals. They can be simple goals, such as keeping curfews, cleaning their bedrooms, or getting to school on time in the morning. We do not put too much pressure on them because we want them to be successful at little

things; once they are, they will be able to see that they can go on to bigger things.

We also have a follow-up job placement portion of our program. We follow girls for 3 years after they leave our program to make sure that they are working or they are in school. They cannot graduate from our program unless they are enrolled in school or have a job. Otherwise we would be sending them back out there where it is just not going to work. We have seen that, we know that.

Our follow-up placement coordinator calls them on a monthly basis and asks about school or work. A girl can leave our program who we know is going to make it because she has a great job. But in 3 months she can get mad at her employer and quit, just like that. We really have to stay on top of them and help and support them as much as we can.

We have a lot of girls who just call us, just to talk and tell us how they are doing. I would like to say that not every girl who comes into our program is successful. In the beginning, because our waiting list was so long, we were kind of forced to simply say "Okay" and let them go if they decided to leave.

Now, however, we have taken girls back who have been through our program two or three times unsuccessfully, but end up turning their lives around just by realizing that this is an opportunity. The girls who we take into our program are not court-ordered, they are there voluntarily. We tried court-ordered in the very beginning; it did not work.

Our program is not meant to be punishment. The girls that we take choose to be there. If they decide in 2 or 3 weeks that they want to leave, we can talk until we are blue in the face, but it is still their decision. It has to be their decision. They have got to start making, we hope, smart decisions for themselves. If we are getting them to do everything we want them to do, then that is not going to help them once they leave our program.

Length of stay for our students really varies, as we try to focus on each girl individually. We might have a student who is there for 4 months or we might have a student who is there for over a year. It really depends on the individual.

Finally, the most important reason for our success is that the people who are involved in our program, the staff we have, are unbelievably dedicated to girls. They give way over what is expected of anyone in their job.

More important is the community. We have boards of directors who are just incredible at getting us the things we need. Obviously, like everyone else, we do not have a lot of money. We have three programs in operation right now and pay no rent or utilities at any of the three programs. Board members and communities have donated everything.

I came up with some recommendations for the committee to hear. One, I would like States to start doing some data collection on girls in the juvenile justice system. I agree that there has not been enough data on girls for us to really look at what the issues are.

I would like this committee to direct States to address and include girls in their State plan. I would like this committee to provide technical assistance to States for services concerning girls.

Again, when we first started out, we had no programs on which to model ours. It was really just our best guess.

I think that it is important, particularly since we sent out a survey to some other States, to find out what the States are doing for girls. I have received several phone calls and some information. They are basically saying that they do not know what to do for girls. They know that they need to do something for girls, but do not have many programs on which to model themselves. Very few non-residential programs exist. Most of the programs for girls are residential.

I would like this subcommittee to look at providing some funding, perhaps to the research and development of programs that can be model programs for other States to use. Lastly, I would like to see that court orders are not invoked to address status offenses. I see court orders used, in the best intentions, to keep kids, girls primarily, safe and off the streets.

It is interesting that most of our girls at PACE are from single-parent homes. Most of our girls live with their mothers. Their mothers have generally been sexually and physically abused, substance abusers, dependent on welfare, and teen mothers.

I see that we have a perfect opportunity to break this cycle, which we keep saying that we want to break, by addressing both the girl's and her mother's needs. These young women definitely are our future. I feel as if we can make a difference. We cannot continue to complain about the numbers of teen pregnancies, dropouts, and runaways rising without choosing to make a difference.

I am really looking at you to take the lead. Thank you.

[The prepared statement of Vickie Burke follows:]

Vicki B. Burke
Director
P.A.C.E. Center For Girls, Inc.

Chairman Martinez and members of the Education and Labor Subcommittee on Human Resources, my name is Vicki Burke. I am the Director of P.A.C.E. Center For Girls, a non-residential, community-based program for high risk girls, ages 14 through 18. Thank you for holding this hearing today, and thank you for giving me the opportunity to speak before this Subcommittee regarding the young women in our country who are presently in the juvenile justice system. These young women are being treated as delinquents when they are primarily children in need of services (status offenders - runaways, truants, ungovernables, throwaways).

Historically, services to girls have not been given adequate attention in the juvenile justice system, since girls represent a smaller percentage of the delinquency population. Most juvenile justice programs have either locked girls away in secure residential facilities or simply ignored them. Young women are typically not locked up because they pose a threat to their community, but because juvenile judges believe it is somehow in the best interest of the child to incarcerate them or judges are constrained because there are no services for them anyway.

The Problem

Communities can see the results of boys who have grown up in pain caused by dysfunctional families, physical and sexual abuse, neglect, or substance abuse. They act out by victimizing the community through criminal, sometimes violent, behavior. Communities, because they want to protect themselves, their families, their property, and their neighborhood, pay attention.

When girls act out their pain, they often are self destructive. They run away, become involved in prostitution, have babies, or surrender their lives to men for attention and shelter. Their pain is **silent and invisible.** The only victim a girl will leave behind is herself. Too often communities do not pay attention.

Since troubled boys are a threat to the community and they act out their problems in a visible way, they receive more attention and thus more services and opportunities than girls receive.

Girls are again victimized when they seek help because, there are so few resources available to them. Females are returned home or receive no services twice as often as males. Girls routinely wait longer than males to receive treatment, and the treatment they finally do receive is often less intensive and of shorter duration. Waits up to six months are not uncommon for girls. In a sense, girls are penalized, because they do not act out by committing a crime. Most girls who come to the attention of juvenile justice authorities have committed "status offenses," such as running way or violating curfew. These offenses would not be crimes if

committed by adults. These young women have been committed to lock up or secure residential facilities because they have violated a court order not to run away, to attend school, or obey their parents. Is it reasonable to ask a young women to attend school or remain at home if she is being sexually abused? Frequent runaways is a common symptom of past or present sexual abuse; these youth need treatment not incarceration.

In 1974, the Juvenile and Justice Delinquency Prevention Act required the removal of status offenders from secure institutions. The law was intended to benefit girls, who had previously been locked up in secure residential programs for less serious offenses and for longer period of times than boys. Service providers applauded the movement away from institutionalization, but pointed out that leaving the kids (primarily girls) to fend for themselves was not the answer. In detention centers or training schools, they at least had food and shelter. Now too many girls live on the streets or in unhealthy, exploitative or abusive environments because as most juvenile justice authorities and child advocates acknowledge there are very few services for troubled young women.

There seems to be a double standard in our society about young women. Public attitude seems to blame the girls for having these problems. Girls are labeled as "bad" for being promiscuous when they are actually recreating their earlier abuse or looking for someone to give them the love and attention they never received at home. Girls sometimes try to fill this void by having a baby - someone to love them.

There have been several studies that document the inequities of services between boys and girls including The University of Michigan Center for the Study of Youth Policy, "Programming For Young Women in the Juvenile Justice System", (January, 1991); The Virginia Department of Youth and Family Services, "Young Women in Virginia's Juvenile Justice System; Where Do They Belong", (December, 1991); The Florida Supreme Court Gender Bias Study Commission Report, (December, 1990); The Oregon's Girls Advocacy Project, "Comprehensive Statewide For At-Risk Girls and Young Women, (November, 1990); The National Council of Jewish Women, "Adolescent Girls in the Juvenile Justice System", (March, 1984).

Some of their findings are as follows:

- girls make up over half of the children in need of services (status offenders) category
- girls pose little threat to society
- girls spend more time locked up in secure, residential facilities and for less serious offenses than boys (i.e., violation of court order to not run away, to attend school, keep curfew, or obey parents)

- girls are not a focus in the juvenile justice system because more boys commit crimes
- most programs for girls are residential, but out-of-home placements are unnecessary for many girls and they often lack aftercare services offered upon return home. The University of Michigan noted the reason girls were placed in residential programs was due to the lack of community based alternatives although community based alternatives are the most effective.
- The Florida Supreme Court Gender Bias Study found that prostitutes had one common trait - they ran from sexual or physical abuse. They determined that not all incest victims became prostitutes, but almost all prostitutes were incest victims. They found that adult prostitutes had often started as teenagers.

Another study done by the Valentine Foundation, " A Conversation With Girls," (May, 1990), concluded that girls act out differently and need different programs than boys. They also found a strong correlation between childhood sexual abuse and substance abuse, homelessness, women in prison, and eating disorders. This study also concluded that most dropout prevention programs are geared toward boys.

Community safety is the standard upon which services to youth has been based, meaning girls constitute a lower priority than boys. Girls are far more likely to be threat to themselves rather than to the community. People seem to believe that the worst a girl is going to do is get pregnant, but the worst a boy is going to do is kill someone. This phenomenon tends to drive the system with the juvenile justice system devoting the bulk of their resources to males. Lacking a powerful lobby of agitated victims, girls programs are often the last funded and the first cut. Fragments of help are all that is typically offered to troubled girls who will become the mothers of our next generation.

Although it is hard to see the quite suffering and danger faced by our young women, their dilemma is our dilemma. When we throw away homeless, runaway, abused or neglected girls, we throw away a part of our future. There are costs to each of us when we are unable to see and help the young women of our next generation. We perpetuate a worsening cycle of generational abuse, teen parenting, delinquency and emotional dysfunction. In addition to these unquantifiable, human consequences, we also pay a high monetary price when we neglect these young women:

* 60% of all American families on public assistance are headed by former or current teen mothers
* An unwed mother is the most likely person to join the welfare rolls and the least likely to join the labor force

* The U.S. estimated that $21 billion is spent annually for teen households
* Single mother families are the fastest growing segment of our homeless population
* More than 75% of people living in poverty are women and children
* Two thirds of the world's illiterate are women and girls

One Solution

In 1989, in Florida alone, 49% of our child population was female yet girls were 77% of the child sexual abuse victims; 44% of the child abuse fatalities and 48% of those abandoned. Fifty six percent of the runaway and homeless youth were girls. Florida has the nations's highest suicide rate and ranks fourth in the nation for teen pregnancy. Ninety percent of our teen mothers are not in school and less than half of the teens who are parents before age 18 graduate from high school.

In Jacksonville, Florida, the need for services for girls was recognized in 1985. P.A.C.E. Center For Girls opened that year with the support of the juvenile court judges. The first ten clients were all status offenders who were locked up in the detention center for running away. All of the girls enrolled in P.A.C.E. have either dropped out or have been identified as potential school drop outs. Sexual or physical abuse is one of the most common problems faced by the young women who attend our program. Because of a myriad of social and emotional issues, they experience extreme difficulty in adjusting to a regular school environment. Despite the multiplicity of problems noted above, these disenfranchised young girls respond positively in a caring, therapeutic environment.

P.A.C.E., a non-residential, community-based program, serves the needs of female status offenders, delinquents, dependents, dropouts, pregnant or teen mothers who are ages 14 - 18. The program has provided comprehensive educational and social services to over 700 young women since inception. The intent of the program is the prevention of juvenile delinquency, status offenses, high school dropouts, foster care referrals and teen pregnancies. P.A.C.E. provides young women with the necessary skills to become independent, self-reliant and productive citizens in their communities.

Description of Services

P.A.C.E. offers a comprehensive continuum of services that are specially designed to meet the unique needs of at risk girls. Attendance is voluntary and there are no charges for services. The staff/student ratio in each class is 1:10. Upon entrance in the

program, each student is assigned a staff advisor and advocate for their length of stay in the program to ensure the students needs are met and any problems addressed. The specific components of the program are:

I. Education: Education is the core of P.A.C.E. and the key to bringing many of the girls out of broken homes, poverty, and low self esteem. Each girl attends school while at P.A.C.E. and works towards her high school credit diploma or the G.E.D. P.A.C.E. is a fully accredited high school credit program which includes remedial, high school credit and General Education Development (GED) Examination preparation. P.A.C.E. has a scholarship fund to assist with continued education for the girls after they graduate from P.A.C.E.

II. Life Management: The P.A.C.E. curriculum consists of a five-part life management component which includes classes that are designed to educate, motivate and build self esteem. Areas of study include: health and physical fitness, life management, cultural appreciation, career development and home economics.

III. Counseling: P.A.C.E. treatment plans are specifically tailored to each student. Individual and group counseling sessions are conducted regularly. Staff are on call 24 hours a day in the event of an emergency. Close communications and availability of staff to students are key in defusing many crisis situations.

IV. Community Service: The enhancement of self esteem and promotion of self worth are integrally related to pride and involvement in a community. Therefore, P.A.C.E. requires each girl to participate in at least two different community projects while enrolled. These projects include serving lunch to the elderly, working with abused children, and helping with abandoned animals at a local shelter. These projects are also a way for our students to pay back the community for supporting them.

Although the average length of stay is seven months, the program is based upon individual needs, so length of stay can vary from four months to one year. The girls can not graduate from the program unless they are enrolled in continuing education or are employed. Additionally, P.A.C.E. has developed a comprehensive 3 year placement and follow-up evaluation component whether a girl successfully completes the program or not. The follow-up coordinator ensures that students continue with their education and employment.

Recommendations

We urge the Subcommittee on Human Resources to address the special needs of this population in the reauthorization of the Juvenile Justice and Delinquency Prevention Act by:

1. Directing the OJJDP to study girls in the juvenile justice system, the number of female status offenders who are put in secure detention, the disposition of cases, and any disparities in services based on gender.
2. Directing each state to include and address how they are going to provide services to girls in their plans and to report annually on their progress.
3. Providing funds for research and development projects that can assist female status offenders and delinquents.
4. Providing technical assistance to states in creating gender sensitive services and programs.
5. Ensuring court orders are not invoked in response to frequent runaways, sexual activity and truancy.

There has to be more services available to accommodate and address their special needs. Services have to be more gender specific. Girls tend to unload when they feel safe, but when placed in treatment programs for boys they clam up for fear of being laughed at or being victimized again.

If residential services are being provided, follow up and aftercare services have to be required when they return to often the same environment they were being abused or neglected in. Problems for girls are intertwined. You have to look at more than just teen pregnancy or abuse or homelessness or drug abuse. Services can not be fragmented to address an individual problem when they are all related.

There is a lot of fragmentation in states and between states trying to serve young women. Every one is working with good intentions, but in isolation. We need to tie in collaborative efforts and identify successful non-residential and residential programs that are addressing all of their issues and share with the each other. We talk about breaking the cycle, but we can not accomplish that without addressing the needs of the young women who are our future mothers. We can not continue to neglect this population.

Thank you for the opportunity to testify. We are looking forward to working with you to ensure the juvenile justice system is responsive to all of our nation's youth.

Chairman MARTINEZ. Thank you. I do not know how to begin. You know, the last statement kind of threw me. I am going to try to take the lead on this. I am going to, in the reauthorization of this, ask for certain things to be changed.

One of the things that comes clear here today is that there is not really enough research being done regarding the sources that girls need and not enough attention or resources have been devoted to them. Dr. Deschenes said the same thing, the need for research. I think Ms. Redaelli said the same thing. It is obvious from what you say, that when you called the State social services to ask for some direction they could not give you any, because there was nothing out there.

Later in your statement you said that you called other States to see what they were doing and they tell you they do not really know. I am going to ask you to make available that information, if you can document the information that you received from the States regarding the lack of programs for girls. Because it is obvious here that there are a lot of places that do not have any girls' programs and do not know what to do to serve girls adequately. And if they do not know what to do it is because they have not paid any attention to it or tried to do anything about it.

How long has your program been in existence?

Ms. BURKE. Over 7 years now.

Chairman MARTINEZ. Seven years. So 7 years ago, which is not that long ago, the State of Florida did not have one program like this?

Ms. BURKE. The only programs that Florida has, other than our program which right now is only in three sites, are what are called group homes. At group homes, if a girl becomes a delinquent, she is sent away.

Chairman MARTINEZ. What happens in those group homes?

Ms. BURKE. Length of stay is usually very short. It is never in the community where the girls are. There is never any follow-up. I have visited several group homes. The girls are involved with academics while they are there. They practice other life skills which are really important. Most of the girls seem to do well when they are there. But then they are sent back to the community, to the same environment and the same family. We have taught them all of these wonderful things, but cannot possibly expect a child to go home and work out all these problems.

Chairman MARTINEZ. It comes back to what I said earlier about sending a kid back to the same environment that is causing them to fail in the first place. I mean, why do we keep sending them back? Or, if they keep running away why do we use a valid court order to stick them in a lockup some place? And then we keep them there and we do not do what we need to do for them. The second that they are out they go back to the same environment they were in. They get in the same kind of environment and have the same mental attitudes that caused them to have the problems in the first place.

I mean, I remember talking to a young kid in Job Corps, which Job Corps turned around. But Job Corps is a complete residency program. And talking to him, I thought gee, what a positive young man he was. And there was a young woman there, too, and what a

positive young woman she was. And I thought to myself well, these people would be successful regardless, because they have this positive attitude and this great drive.

And when I made that remark the director quickly jumped on me, and deservedly, and said yeah, you did not see them when they came in. The one young woman was ready to fight at the drop of a hat and usually did. And the young man was the same way.

And so I asked the young man if he was a dropout from school. And he looked at me right straight in the eye and he said no, I was not a dropout, I was a force-out. He said that his life situation forced him out. His environment at home, his environment at school, his environment in the community. And I thought, that is a brilliant statement, he understands. And now he has changed all that.

And he was going to go into the Marine Corps and go to helicopter school, he had already signed a contract to do that. And he had his future all planned out. When he got out of the service, after learning all that in the service that is what he was going to work in as an occupation. Which was outstanding. And I really believe that he will accomplish that.

But all of these young people. I see that all they need is somebody to point them in the right direction. All they need is an alternative. And you ask me to be leader, I have got to get 434 other people who think they are leaders to consider all of this, to say, hey, this is what we have to do.

We were very successful reauthorizing the Older Americans Act. Hopefully we will be successful on this. I have some colleagues on our committee, Mr. Barrett being one of them, who are very anxious about it. Mr. Barrett, I guess you know, comes from that State that is the home of Boys Town. And one of the most remarkable success stories, but again it is for boys.

Ms. Burke, you said that 7 years ago you went out and asked other States about their programs for girls and there was none. Then you asked for technical expertise from the government. I am not sure the government can give you technical expertise because I am not sure they have it. Maybe you can give technical expertise to them.

Ms. BURKE. I am one person, one social worker, who did something in my community that has really snowballed. In talking with other folks from around the country, it is obvious that this is not just a problem in Florida, or only in my community. I would love to be able to meet with some other folks who have either residential or non-residential programs. We would be able to look at some really good programs and see what fits our different needs.

This is why I am looking to you. I do not even know where to begin. I know that I would like for all girls in this country to have the same opportunities as the two who spoke before me. The goal is for them to finish school and move on to a better life. I know that we cannot change what has happened to them. But I also know that we sure could help change what their future would be. It seems as if somehow we ought to be able to do this. It should not be too difficult.

Chairman MARTINEZ. I agree with you. But there are some stumbling blocks. Let me ask you this, were you aware of Children of the Night Program before today?

Ms. BURKE. I had seen it on the news.

Chairman MARTINEZ. Had you not talked to anybody from that program at all?

Ms. BURKE. There are other programs, such as Girls, Incorporated with whom I have talked. There is a program out in Oregon, Girls Emancipation Program, that is a residential, independent living program for girls. I met their director. She and I have been talking about what we are doing for girls. I find out about these programs by meeting people who introduce me to others. Or somebody who has heard about me from someone else will call wanting information. There really is no——

Chairman MARTINEZ. Association, group, or national network.

Ms. BURKE. Yes. Tomorrow I am going up to New York for the week to meet and talk with several of the foundations. There have been several studies in the last couple of years about services for girls, concerning the amount of funding that has been going into girls' programs versus boys' programs. We are brainstorming and trying to build a national task force. For example, could we have a national girls conference? What are some things that we can do to try to make this happen?

Chairman MARTINEZ. Now Girls, Incorporated has a national network, right?

Ms. REDAELLI. Yes, that is correct.

Chairman MARTINEZ. And you have what, 122 sites?

Ms. REDAELLI. One hundred and twenty-two cities across the Nation, 300 centers.

Chairman MARTINEZ. Three hundred centers. Quite a substantial number.

Ms. REDAELLI. We are based in New York. We have a national resource center, the only one of its kind, in Indianapolis that does research on girls and young women.

Chairman MARTINEZ. Do the studies that Ms. Burke talked about, some of them come out of your research center there?

Ms. REDAELLI. I do believe so.

Chairman MARTINEZ. Could we have copies of those studies?

Ms. REDAELLI. Absolutely. We can send them to you.

Chairman MARTINEZ. There are so many associations and organizations that have international network that then have annual conferences and come to Washington with their annual conference to make the legislators in Washington understand. And they take a day to go out and lobby the legislators on their particular needs. Has your group ever done it?

Ms. REDAELLI. We have our 47th national conference coming up this April, next month, in Beverly Hills.

Chairman MARTINEZ. Oh, that is a great place. Has Girls, Incorporated made an effort to take as associates organizations that, you are simply based in Florida, right?

Ms. BURKE. Right.

Chairman MARTINEZ. And you have three centers?

Ms. BURKE. We have three centers and we are preparing to open two new ones in Miami and Fort Lauderdale.

Chairman MARTINEZ. Because their aim and goal is the same as yours, is there a way that maybe because you already have a national network, of drawing some of these other people into that?

Ms. REDAELLI. Of course.

Chairman MARTINEZ. And really forming a political force, right. Because somehow that is what you need to knock people in the head in Washington. It is like the guy said, sometimes you have to get their attention with a big stick. And it would help us tremendously in our moving to reauthorize this.

Ms. REDAELLI. The other thing we do throughout the country is have annual regional conferences. There are conferences annually in Ms. Burke's area of the country that would not require her to travel across the country every year. We have national and regional conferences.

Chairman MARTINEZ. Do you have a mailing, a regular mailing that goes out across the country?

Ms. REDAELLI. Yes.

Chairman MARTINEZ. Are you on that mailing list?

Ms. BURKE. No, sir.

Chairman MARTINEZ. Would you like to be on that mailing list?

Ms. BURKE. I sure would.

Chairman MARTINEZ. I would think that would be a great advantage to get on that.

Ms. REDAELLI. I would like to add that Girls, Incorporated has affiliates, program associates, which Ms. Burke could possibly become. There are groups such as YWCA's and Boys and Girls Clubs across the Nation that are program associates. They receive our research to help their programs. I am sure that we can work together.

Chairman MARTINEZ. All right. Super. Maybe I have been a little help to you here.

Ms. BURKE. Thank you.

Chairman MARTINEZ. The young women, I just want to ask one question of both of you. You have been through what I call a traumatic experience in your life, but maybe looks like it is moving towards a positive outcome. And you have received some services in that direction. Now thinking about the things, the help you have received, are there any other things that you would have liked to receive that you have not, or things that you have received that you think should be basic to any kind of a program that tries to help young people like yourself? Start with you, Ms. Ford.

Ms. FORD. When I was in the foster homes, I felt that if someone had been sent out as a representative from somewhere to talk to the kids, ask about what was going on in the home, ask how they were getting along, and talk to the foster parents, foster homes would have been a better place. Maybe I would not have run away from them.

Chairman MARTINEZ. It is interesting that you say that. I used to commend parents who were willing to take another child into their home to raise them. In some of cases some of these people had children of their own. Until I met a group of young students had all come together because they had all been foster children of foster homes who were now trying to get a real credible education to

make something of their lives. And they helped each other as a peer group, a support group.

And listening to some of their stories about their foster homes, and I suddenly started to realize, hey, it is not all so rosy out there. I got in touch with McLaren Hall and talked to the one-time director out there, George Egan, who talked about the real situations for these kids. A lot of them had been placed in foster homes that were abusive.

And I wondered, why does somebody not do a better investigation of who is going to take these kids. And then sit down and then monitor the homes themselves. You know, surprise visits to the home, talk to the kid, find out how that kid is being treated in there. If any follow-up is really being done, effectively it is not going on extensively enough because there are too many children being abused in foster homes.

And that is something that I think, Mr. Barrett, we really ought to work on. Finding out just what we do as national leaders to find out how we can improve the situation for foster children in foster homes. That is a good suggestion, Ms. Ford.

The PARTICIPANT. I agree with her suggestion. In the Department of Children's Services, the people who place these children are really another form of counselors. It would have helped if someone had come and looked at the situation in the home; it is not necessarily right all the time.

Chairman MARTINEZ. In some cases, unfortunately, people take a kid into their home just because they are going to get a stipend for that child and it is going to mean a little extra money, income, in the house. But the family and the child may not be compatible. I do not know why they do not do a better job of matching. There have been some very successful foster home situations.

I was aware of a lady who really was super woman, I mean literally Superwoman. She had, through her years, had 123 foster children, who all considered her their real mother, 123. And on her eighty-fifth birthday, there was only one who was not there who sent a letter saying he was sorry he could not be there. And all of them were very successful people. So she had had a positive effect on them.

And I guess in my mind, that stuck, until I started hearing about these other situations, which are tragic really.

The PARTICIPANT. I mentioned the SODA beds earlier: people are paid money just to have the beds open. As soon as the kids get there, they are told that they do not have to stay. From what I understand, the people who have these beds only have them for the money. They do not usually get kids in for an entire month. It is only a one night thing.

Chairman MARTINEZ. And that money is taxpayer money and if it is going to be used that way I think we ought to require a more responsive attitude for it. Thank you. Mr. Barrett?

Mr. BARRETT. Thank you, Mr. Chairman. I am interested in the conversation about foster homes. I know that there are abuses, many abuses. And yet, I know that there are also some wonderful cases. I just this last weekend visited with a friend of mine, a mayor of a small community in western Nebraska. He and his wife have successfully had 39 children in foster care.

I helped pass the first foster care review board bill in my State when I was in the State legislature. Which is a board of volunteers who track kids in foster care and are now actually taking care of some of the things that you have alluded to. So not only are there abuses, Mr. Chairman, but there are also some wonderful success cases.

And I wonder, as you suggest, if we might not, should not, take a better look at foster care nationally. And perhaps take a look at a success case in my State, where we do track kids now. We keep track of them. If they are in the system so long, we need to know why. And those volunteers are doing a wonderful job. So thank you for that testimony. My antenna goes up very quickly.

Also, your comment, young lady, about preferring to be on the streets. I could not hear your testimony entirely on the beds. It was $900 per month?

The PARTICIPANT. From what I understand, from people I have talked to.

Mr. BARRETT. Okay. And is this a private, public——

The PARTICIPANT. It is just a regular home and there is a bed open in case a kid is picked up by the police some night. If the police cannot get a hold of the parents, or if the parents do not want to come pick them up, they are usually sent to one of those homes. They will not send them to a shelter.

Mr. BARRETT. This is a private home?

The PARTICIPANT. Yeah.

Mr. BARRETT. Is this usual and customary in LA, are there a number of these around?

The PARTICIPANT. Once I was picked up by the police, who tried to send me there. Instead, my mother came and picked me up. The police do that with a lot of the kids that they pick up, for whatever reasons, curfew, jaywalking.

Mr. BARRETT. Again, are there a lot of these in the area?

Ms. ALVAREZ. It is primarily LA County that has SODA beds. SODA stands for status offender detention alternative. Instead of putting runaways in juvenile hall or kids that violate their curfews in juvenile hall, they put them in these SODA beds.

Mr. BARRETT. Okay. Thank you. Then you said your mother picked you up?

The PARTICIPANT. Yes.

Mr. BARRETT. That to my mind goes to the comment that you made about your father, has there been any attempt to reunite you with your father?

The PARTICIPANT. I occasionally call my father every now and then. He is really not interested in talking to me. I have six other brothers and sisters I call up to say hello on birthdays or other occasions. But there is really no way I can get back together with my father.

Mr. BARRETT. I was also interested in your siblings. You said you have six. And you talk occasionally. Apparently no major attempts to reunite there. Were they asked to leave the home as you were, were they kicked out also?

The PARTICIPANT. Well, they are only 7 or 8 years old. The oldest there is 13. He is a foster child.

Mr. BARRETT. All right. I, like Chairman Martinez, I really appreciated some of the things you had to say very much. Good luck to you. Talaya, what a beautiful name. What a beautiful job you have done. Good testimony. Mr. Chairman, Talaya and Ms. Burke and I shared a cab coming over this morning, so I got Ms. Burke's full speech. And that is why probably she refused to share with you the text of her full speech. But I appreciated it very much. Not only the cab ride and the conversation, but your testimony this morning.

And I do not know, I guess I kind of zero in on the aftercare, the follow-ups that you are doing. That has got to be part of the success of your program. And you are also saying the average length of stay is 7 months. And we talked about 12 months earlier. Any comments there, are you doing that much better job, are you getting them out too soon?

Ms. BURKE. I think 7 months is the average length of stay. But we keep some girls for 4 months and some for over a year. It really depends on their needs. When they first come in they are very angry and upset and test us to see what our limits are. They need to know if we really care about them, or if we are just saying these things.

In the next 2 months, they do a complete change. They are incredible in school and at home, everything is wonderful. Then they start talking about the new girls coming in, how immature they are and how they have so many problems. They wish that we had never taken them. They have no clue that that is exactly how they used to be. But it really depends on each girl. We try to look at each girl and her individual needs, not just at the group as a whole.

Mr. BARRETT. One-on-one and the follow-up again is one of the keys. You mentioned, I think, aftercare, give me an example of what you are talking about.

Ms. BURKE. We might have a girl who has graduated from our program with her high school diploma and is enrolled in college. Our follow-up person calls to make sure that she is still going to school. Maybe she has hooked up with a guy who is not very appropriate. Perhaps she has dropped out of school. Our follow-up person, just like those of us at the program, latches on and does not let go until she is back in school and gets things resolved.

It is really just to be there, like the one-on-one in our program. It is to be there even after they have left the program. They come in and find all of our structure and activity. We are so nosey, noting every movement they make. We still cut them loose, but not completely loose.

If they need to be enrolled in school or drug counseling, our follow-up person helps them. Whatever their needs are, financial aid for college or whatever, our person is there for them.

Mr. BARRETT. Excellent. I would suggest, Mr. Chairman, that the committee stay very close to this PACE program in Florida. I think this is another example of a success story. And again, I appreciated the full load of hay which I received earlier. Thank you very much.

Chairman MARTINEZ. I appreciate that, Mr. Barrett. As we reauthorize this bill, I now realize that there is going to need to be

some language in it to stress the resources that are used for girls, specific programs for girls.

As I work with Mr. Barrett and other members of the committee to develop this language, we will be in touch with your groups and get your input and just how you feel about the language and help us provide something that all of our colleagues in Congress can find acceptable and pass as we reauthorize this bill.

So, again, thank you very much for being here. It was very delightful to talk to you two young women, especially because I have a strong feeling that you are heading in a positive direction thanks to the programs that you are involved with. And we need to thank people like you, Ms. Burke, who founded this program. It is people who care that make the difference, and you certainly are one of those.

Thank you again. And thank you all for being here. We are now adjourned.

[Whereupon, at 10:44 a.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

STATEMENT OF SUSAN MORRIS, CHAIR, AND FARRELL LINES, CHAIR ELECT, THE NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

Congressman Martinez and members of the subcommittee:

This statement expresses the National Coalition's interest and concern about providing programs and services for at-risk and delinquent girls. As the only national organization that focuses on the juvenile justice system and one mandated by section 241(f)(2) of the Juvenile Justice and Delinquency Act of 1974 to advise the Congress "... with regard to State perspectives on ... Federal legislation pertaining to juvenile justice and delinquency prevention," the NCSJJAG is uniquely interested in this effort to begin, at a Federal level, to look at the inequity in services provided to girls.

During this year in which the Juvenile Justice and Delinquency Prevention Act is up for reauthorization, it is especially important to look closely at all aspects of delinquency prevention, at the juvenile justice system, and at all the children who become involved in it. This hearing is a first, comprehensive look at the special needs of young women and I would like to thank you for providing a forum in which these needs can be explored.

As we move well into the 1990's, the problems faced by the youth of our country increase in type and complexity. This is especially true of those children who are "at risk" for delinquent behavior or who already find themselves involved in the juvenile justice system. The Juvenile Justice and Delinquency Prevention Act of 1974 has provided a means of helping the States and territories begin to address many of the significant problems which were the impetus for enactment of the JJDPA—problems such as incarceration of status offenders and putting children in adult jails. Yet, as we have defined these problems, and taken steps to correct them, we see many more which *must* be solved if we are to be able to say we are doing our best for our children. One of these compelling problems is the lack of meaningful, appropriate, adequate services for girls.

Those who have been intimately involved with the problems of delinquent and at-risk children agree that the particular needs of girls have been overlooked. Most juveniles arrested and referred to the juvenile courts are boys. Boys commit most of the violent criminal acts. With the public attention being increasingly focused on the problem of violent crime, the resources available to combat juvenile crime and deal with the juveniles themselves are inevitably concentrated on boys. As pointed out by Professor Ira Schwartz in his introduction to a booklet entitled "Programming for Young Women in the Juvenile Justice System," the "needs and issues confronting young females continue to be neglected by policymakers and juvenile justice professionals who, instead, address public concerns about violent juvenile crime, primarily committed by male adolescents."

It seems ironic that because there are not nearly as many girls as boys becoming involved with the juvenile justice system and because, when they do become involved in the system, it is more often for reasons which attract far less public attention and concern, or fear, little effort has been made to *look* at girls and their particular problems and needs. Yet, these girls and young women will bear and raise the next generation of America's children. The lack of services and programs addressing the particular needs of adolescent, at-risk girls now will severely hamper efforts to break the cycle of problems which lead these girls to become truant, to run away from home, to become involved in drug and alcohol abuse, to become delinquent.

The result of this inattention to the needs of girls is twofold. There are *very* few community-based programs geared towards meeting the particular needs of at-risk and delinquent girls and, as a consequence of this lack of services, girls often end up in training schools and detention centers for having committed only the most minor of delinquent acts. This unnecessary and truly inappropriate way of dealing with girls who become involved in the juvenile justice system is certainly contrary to the spirit and intent of the Juvenile Justice and Delinquency Prevention Act and its whole thrust of emphasizing delinquency *prevention* and providing a fair and humane juvenile justice system.

A major impetus for enactment of the JJDPA was to end the inappropriate, unjust practice of incarcerating status offenders in secure facilities. In fact, since the enactment of JJDPA there has been major progress in removing status offenders from such facilities. Unfortunately, while there are more, though certainly not enough, community-based facilities and programs in which boys can find treatment and services to meet their needs there are *very* few such facilities and programs for girls—not facilities and programs which can really address their special needs.

A comprehensive analysis of juvenile female offenders was recently published by the Task Force on Juvenile Female Offenders of the Virginia Department of Youth and Family Services. The report entitled "Young Women in Virginia's Juvenile Justice System: Where Do They Belong?" was published in December, 1991. It developed a profile of youthful female offenders, assessed the types and availability of programs, analyzed the State's residential learning center's programs and services, and analyzed public education/information strategies to assist young women and staff training needs to work with them. The report indicates that while females accounted for 22 percent of delinquent complaints they constituted 51 percent of all children in need of services complaints and one-quarter of all probation caseloads. It found that the girls often "come from families in which they have received little or no emotional support and in which abuse and/or neglect have occurred." It also found that girls served longer periods of time in the State learning center for less serious crimes than did boys. Overall, the findings in the report are consistent with findings in other States in these respects. The report clearly supports what people involved with juvenile and at-risk youth in other States have found—the special needs of girls are not properly met either in the State training center nor in the communities.

Girls need programs designed particularly for girls because they have particular needs. Many who become enmeshed in the juvenile justice system do so because they are runaways or truants. They very often commit these status offenses because they are trying to escape sexual abuse at home. Many of these young women are pregnant or are already parents. Due to these particular "conditions," there is a special need for community-based services and programs to provide such things as sexual abuse counseling, pregnancy counseling, training in parenting skills, and child care. Very few such programs exist. Those that do exist have had remarkable success in helping those girls fortunate enough to be able to participate in them.

This success is demonstrated by such programs as the PACE program about which you will hear today and several others around the country. The common basis of each such program is that each was developed in response to a perceived need, backed by careful investigation of the problems of adolescent girls in the different States and communities. Several of these programs are featured in the booklet previously cited, "Programming for Young Women in the Juvenile Justice System" and clearly show, through their statistics about the girls who have participated in the programs, that the programs do help the girls to make remarkable progress. They finish school, get jobs, learn to be independent, productive young women.

These programs for girls have demonstrated their value, but there are only a few of them. They must be replicated across the country as part of the continuing, overall goal of delinquency prevention *and* as a means to ensure that girls are not incarcerated for acts which certainly should not merit commitment to detention centers and training schools. The need is great, but private resources can certainly not begin to meet the need. There must be a commitment of public moneys through the JJDPA.

Where Federal funds have been available they have been put to very effective use as indicated by a comprehensive report titled "Oregon Girls' Advocacy Project." The report describes a project funded through a grant from the Oregon Commission on Children and Youth Services. This grant provided for development of a statewide planning process including gathering of information about at-risk girls in each county, detailed information gathering about current services, research on model projects serving girls in the State, and development of service-specific recommendations based on the findings. A newspaper, "Oregon Girls Advocate," attached as Exhibit "A" describes some of the programs and activities serving young women which now exist in Oregon as the result of the impetus provided by Federal "seed money."

On behalf of the National Coalition of State Juvenile Justice Advisory Groups, and, indeed, on behalf of the young women whose interest and needs the Juvenile Justice and Delinquency Prevention Act is intended to serve, I urge the Congress to recognize the special and essentially unmet needs of at-risk and delinquent girls and help to meet them through reauthorization of and increased funding for the JJDPA.

Thank you.

HEARING ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

MONDAY, MARCH 30, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RESOURCES,
COMMITTEE ON EDUCATION AND LABOR,
Grand Island, NE.

The subcommittee met, pursuant to notice, at 9:05 a.m., 3134 Highway 34, Central Community College, Grand Island, Nebraska, Hon. Matthew G. Martinez, Chairman, presiding.

Members present: Representatives Martinez and Barrett.

Staff present: Maxine Grant, chief of staff; Roger McClellan, legislative assistant; Terry Deshler, legislative assistant; Lynn Selmser, professional staff member; and Lee Cowen, professional staff member.

Chairman MARTINEZ. It is a pleasure to be here today, and especially to be here in Grand Island, Nebraska.

I want to, first off, extend to Mr. Barrett my appreciation for his invitation to hold a hearing here in Nebraska. I know he and I both consider this matter to be of great importance, as do the members of our subcommittee.

The reauthorization of the Juvenile Justice Delinquency Prevention Act is very important and, as we go forward to do that, I think that these hearings will help us considerably.

Many of my colleagues would probably wonder why we are in Nebraska. Well, I think the testimony here will answer that question, but there are two very simple reasons.

One is that it is the home of what I consider one of the premier delinquency programs in America, the home of Boys Town.

The other is that rural America is no longer immune to the destructive behavior of delinquent juveniles, nor are they isolated from the drugs, crime and violence by juveniles. If we are to reauthorize this Act to its greatest potential, I believe that we need to know what exists in all parts of America.

In 1974, the Congress enacted the Juvenile Justice and Delinquency Prevention Act as a response to growing concerns through the 1950's and 1960's regarding the lack of adequate services, technical expertise, and resources available to effectively provide justice, and to effectively provide the necessary help to delinquent and at-risk youth.

More and more pressure was put on existing services for children, youth and families as the very structure of the American family was rapidly changing to accommodate an even more rapidly changing workplace in society as a whole.

The original Act focused on the need for coordinated juvenile delinquency efforts on the Federal, State and local levels, and to involve non-profit sector in these efforts with three major premises: Juvenile crime must be reduced, the proportion of crimes committed by juveniles should be decreased, and methods of handling juveniles should be improved. The Act also did create the Office of Juvenile Justice and Delinquency Prevention to administer it.

Over the past 17 years since the implementation of the Act, it has evolved to adjust the changing needs of both the system and the youth that we serve. Provisions of service have gotten more sophisticated, but so have our youth.

The subcommittee has had hearings from the West Coast to the East Coast looking at established programs in an effort to determine what works, and what doesn't, and at innovative new ideas that offer other alternatives and hope for our youth.

Today, we will hear from Nebraskans who will talk about rural issues, and the differences between the provisions of service for rural and urban communities while still maintaining the concepts of rehabilitation, education and motivation rather than incarceration.

In this time of being tough on crime, we have to be careful not to lose sight of our mission to break the cycle of delinquency. We want our streets and our homes and our families to be safe, but we cannot keep building more prisons. We must divert our at-risk children before they are irretrievable. We must provide alternatives to the violent antisocial behavior, and this was once the original mandate of the Act, and we have started in that direction, but the commitment is waning.

In the past few years, Congress has reduced the funding to carry out the Act, and it is time now for Congress to recommit and make sure that they understand that saving our kids is one of the highest priorities we can have.

We have also seen that the Act has fallen short of its mission to address the needs of our Nation's at-risk youth. This subcommittee is today addressing today's rising issues concerning youth that will make necessary structural changes to the JJDPA in the reauthorization cycle, and to ensure that the future of our youth, and I ask all of you in the heart of the Nation to help us in our quest.

We have traveled long and far to hold hearings, and we have found that problems affecting our youth, such as chemical dependency, drug abuse and mental illness, know no boundaries, and living in a small town doesn't remove young adults from the corrosive elements that have rocked urban areas.

We also know that juveniles with an undiagnosed mental illness often face a complex and frustrating road, and without the proper services, they can experience the repetitious cycle through an unresponsive system that doesn't meet their needs.

Today, we will be hearing from some experts in the field of mental health who will address some of the very important issues relating to the needs of our youth, and the need for coordinating comprehensive services for the mentally ill youth who have entered the juvenile justice system.

[The prepared statement of Hon. Matthew G. Martinez follows:]

STATEMENT OF HON. MATTHEW G. MARTINEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Good morning. I am really pleased to be here this morning as part of a series of hearings to consider the Reauthorization of the Juvenile Justice and Delinquency Prevention Act. The Act is scheduled to expire on September 30, 1992 and this subcommittee will be looking at a number of issues between now and then, including the original intent of the Act, its mandates, and the future of juvenile justice in America.

In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act as a response to growing concerns through the 1950's and 1960's about the lack of adequate services, technical expertise and resources available to effectively provide justice and the necessary help to delinquent and at-risk juveniles. More and more pressure was put on existing services for children, youth and families, as the very structure of the American family was rapidly changing to accommodate an even more rapidly changing workplace and society as a whole.

The original Act focused on the "need for coordinated juvenile delinquency efforts on the Federal, State and local levels to involve the nonprofit sector in these efforts," with three major premises: Juvenile crime must be reduced, the proportion of crimes committed by juveniles should be decreased, and methods of handling juveniles should be improved. The Act also created the Office of Juvenile Justice and Delinquency Prevention to administer it.

Over the past 17 years since the implementation of the Act, it has evolved to adjust the changing needs of both the system and to the youth that we serve. Provision of services has gotten more sophisticated, but so have our youth.

The subcommittee has had hearings from the West Coast to the East Coast looking at established programs in an effort to determine what works and what doesn't; and at innovative new ideas that offer other alternatives and hope for our youth.

Today, we will hear from Nebraskans who will talk about rural issues and the differences between the provision of services for rural and urban communities, while still maintaining the concepts of rehabilitation, education and motivation rather than incarceration.

In this time of being "tough on crime" we must be careful not to lose sight of our mission to break the cycle of delinquency! We want our streets, our homes and our families to be safe. But we cannot keep building more prisons. We must divert children at-risk before they are irretrievable. We must provide alternatives to the violent antisocial behavior. This was the mandate of the original Act! We have started in that direction, but the commitment is waning. Funding for this program has dwindled from a high in 1978 of $100 million to the current appropriation of $76 million. What does that amount to in 1978 dollars? For the past 10 years the administration has virtually zeroed out OJJDP's budget only to have it restored by Congress.

We also will be hearing from some experts in the field of mental health who will address some very important issues relating to the need for coordinated comprehensive services for mentally ill youth who have entered the juvenile justice system.

As we have traveled holding these hearings, we have found that the problems affecting our youth, such as chemical dependency, drug abuse and mental illness know no boundaries, and living in a small town doesn't remove young adults from the corrosive elements that have rocked urban areas. We also know that juveniles with an undiagnosed mental illness often face a complex and frustrating road—and without the proper services can experience the repetitious cycle through an unresponsive system that doesn't meet their needs.

We have also seen that the Act has fallen short in its mission to address the needs of our Nation's at-risk youth. This subcommittee is committed to addressing today's rising issues concerning youth and will make the necessary structural changes to the JJDPA in this reauthorization cycle to ensure the future of our youth and I ask you all, you the heart of the Nation, to help us in our quest. Thank you.

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Chairman MARTINEZ. At this time, I would like to turn to my esteemed colleague, our host today, for any comments that he would like to make.

Mr. Barrett.

Mr. BARRETT. Thank you, Mr. Chairman.

I want to take this opportunity to officially welcome you to the Big Red State, and to thank you for bringing the Subcommittee on Human Resources to Nebraska to discuss an issue which is very, very important to all of us, and to listen to the needs of some of the needs of some of the rural providers of care to troubled youth in our district. As you and I have discussed already, this district is quite expansive, it covers a lot of territory.

I believe that the Chairman arrived in Nebraska, specifically Omaha, yesterday, and had an excellent tour of Boys Town. He and his staff spent a considerable amount of time, not only walking around but visiting, talking and listening to people at Boys Town.

Then, yesterday afternoon, he had the opportunity to take advantage of such local items like Farner Park, and I think I will leave it at that. If any of you are particularly interested in the outcome of his wagering yesterday, please feel free to ask him. I won't go any further at this point.

But at any rate, he has had a chance for hands-on. We had a delightful steak last night at Dresbacks. We gave him the opportunity to share with us some of the finest steaks in this part of the world, I think.

When I first invited Chairman Martinez to Nebraska, I think I dangled the carrot, which was, frankly, Boys Town. I shared with him the fact that this is the 75th anniversary of Boys Town, and that it might be good for this subcommittee to come to Nebraska, at which time he told me that Spencer Tracy had always been one of his favorite actors, and that he thought that this might be a good idea. So Father Val Peter and others made those arrangements as well.

In addition to thanking Chairman Martinez and his staff and, of course, my staff as well, this is an opportunity for me to say thank you to President Joe Krozier of Central Community College.

I guess Joe isn't here at this particular moment, but the Central Community College did a good job of preparing for this hearing this morning.

Also, Sharon Hepner, the secretary, who has done a lot of the legwork here in preparation for this hearing, and Clark Keffer over here handling our sound equipment for the day.

We thank you as well, Clark.

Now that you are here, Mr. Chairman, I know that Nebraskans, and some of the other witnesses that have been assembled here, and others who are interested in the subject will avail themselves of the opportunity to share with us the difficulties in providing help to youth who, in some case, in this area, are as many as 50, 75, 100 miles from any shelter, like we have just seen a few moments ago.

Let me hasten to add, we started the day early today, at Mid Plains Shelter here in Grand Island. We had a delightful hour with the residents out there, had breakfast with them, and listened to them tell us some rather interesting things. It was a very filling

breakfast, not only in terms of the food that we ate, but certainly in terms of the company that we kept.

I agree, Mr. Chairman, we have a good panel of witnesses today, and I think this is going to be a very exciting hearing. What does concern me so often are the silent voices of the kids in rural areas. Too often, these children who are often physically and sexually and mentally abused have no one to turn to in the small communities in which we are living, and that has always been troubling to me.

At that point, they often turn to running away, drugs, and crime, and actually just withdrawing from society, I think, in so many cases. That is a very unfortunate phenomenon that really doesn't know any geographic boundaries. It doesn't know any population boundaries, but in rural areas, we are particularly sensitive, I think, to something like this.

So often our smaller communities have other priorities, economic development, water systems, whatever it might be, and that is important, and understandably so, but too often the whispers of the neglected and abused and troubled children sometimes go unheard.

Again, I think it is so important that we are here to listen to rural Nebraska. We were in L.A. a week ago listening to urban needs. Your subcommittee has been in Portland and other places, but here we are in the breadbasket, in the heartland to listen to the needs of these people as well.

I guess it would be easy for me, Mr. Chairman, to suggest some changes that might be needed but, if I knew that, we wouldn't be here, and I think you would agree.

So we do have an outstanding panel. I am looking forward to the testimony, and I guess, at this point, for the children, the time has come for us to listen.

Thank you very much.

Chairman MARTINEZ. Thank you, Mr. Barrett.

I would like to explain one thing, however. I did go out to the place where they were holding races, but I really went for the flea market. I just happened to wander over where they were placing bets, and had a terrific hunch. It didn't work out, though.

I felt that we were doing a service for Nebraska, we were helping the economy here, spending a few dollars.

Mr. BARRETT. It is nice to have that dropped in this economy.

Chairman MARTINEZ. Our first panel, Ms. Ruth Vance, Father Val Peter, and Ms. Peggy Adair, if you would come forward.

As they come forward, I will explain to the audience just who they represent.

Ruth Vance is the Director of the Panhandle Community Service of Gering, Nebraska.

Father Val Peter is the Director of Boys Town, Boys Town, Nebraska.

Let me just say right here and now, Father Peter, that I was not only impressed with Boys Town as a whole, and especially impressed with the home we visited and the people we talked to, but impressed with the young people. These are such delightful, wonderful young people. It is hard to imagine how kids that are so delightful could get involved in situations they couldn't control, but thank God that there was some place for them to go.

I was equally impressed with your sermon yesterday. I did attend mass. I almost went to communion, except I figured that I would need to go to Father Peter first and spend about 2 hours confessing.

At any rate, we have with us also Ms. Peggy Adair who is the Voices for Children, Omaha, Nebraska.

We will start with Ms. Vance.

Let me say, just before you start that any written testimony that you have provided will be printed in its entirety in the record. We would, therefore, ask you to summarize your testimony, hitting the high points, those things that you think we really need to hear. You may proceed any way you want.

STATEMENT OF RUTH VANCE, PROGRAM DIRECTOR, PANHANDLE YOUTH SUPPORT SERVICES, PANHANDLE COMMUNITY SERVICES; FATHER VAL PETER, DIRECTOR, BOYS TOWN; AND PEGGY ADAIR, VOICES FOR CHILDREN

Ms. VANCE. Thank you.

This is my first time testifying at a hearing, so it may go any way.

Congressmen, Mr. Chairman and members of the Subcommittee of Human Resources, thank you very much for this opportunity to provide testimony on behalf of children and families in rural Nebraska.

My agency is a member of the National network for runaway homeless youth. The grantee agency is Panhandle Community Services, the community action agency under which we are umbrellaed.

Our services that we provide are temporary shelter, crisis intervention, individual and family counseling, mediation, referrals to resources, transportation to school, if possible, if not we try to get homework from the youth home, GED program, vocational education, independent living skills, a hotline for parents and youth, a non-crisis teen support line, and recreational and cultural activities.

We also sponsor an Ala-Teen group and an aftercare group, provide parenting classes, and, through reunification of families and youth, support family preservation.

For homeless youth, we provide services to promote transition to self-sufficient living to prevent long-term dependency on social services.

I am here to talk about the urgent needs of high risk youth, and the desperation they face in trying to get help for themselves and their families. They are fleeing parental neglect, sexual abuse, physical abuse, family violence, alcoholism and drug abuse.

These youth are sometimes forced from their homes by the parents and step-parents because they find caring for their youth beyond their capabilities. In some cases, parents push the teenagers out of the home to avoid their parental responsibilities.

These youths have few skills or life-experiences with which to earn a living. There is a lack of access to schools, health care, counseling services, and other community support systems. Many of them are in need of mental health care due to life and family cir-

cumstances that put them at risk for substance abuse, early pregnancy, HIV infection (AIDS), status offenses and other crimes that lead to delinquency and perpetuate the pattern of a life of crime.

A barrier to helping reunite families is funding. Increased funding is needed to provide continuation of present services and to provide program expansion in smaller rural towns which are not adequately served. Our shelter serves the 11 panhandle counties at a current Federal level funding of $40,050. The ability to expand is severely hampered by inadequate funding from all sources: local, State and Federal.

We realize that there are tight budgets and budget cuts at all levels of government. However, these budget cuts affect the ability of communities to provide an alternative to the more costly juvenile justice, child welfare and mental health services. For runaway homeless youth programs, the budget cuts also mean discontinuation of some services.

Additionally, there is a lack of funds to provide or develop the needed intervention. We do not have foundations or corporations with funds that can be tapped. In rural Nebraska, there is a lack of programs to meet and serve youth and parents. This includes a lack of foster homes, substance abuse, mental health and family counseling, preventive education, and other services to youth, family and community. We see a great need for more prevention and early intervention services for youth and families.

Another severe problem is the lack of education. Many youths drop out of school at 16. They have few jobs, low education, low self-esteem, and often end up involved in substance abusing and criminal activity. There is a strong need to promote parental responsibility and involvement with their youth.

In order for change to be successful and longlasting, parents need to be involved. Parents frequently see the problem as being the child's problem and don't see the part they play or have played in the situation. This needs to be resolved. Intervention requiring parental involvement needs to be mandatory, and sometimes may need to be judiciously enforced.

Needs for the future: Reach out to youth and families sooner, prevention and intervention services for youth and families, public awareness and prevention education, revision and/or enforcement of laws, and mental health and preventive counseling services for youth and families.

Recommendations: We strongly support the reauthorization of the Juvenile Justice and Delinquency Prevention Act. The minimum authorization levels should exceed $100 million.

Thank you.

[The prepared statement of Ms. Vance follows:]

TESTIMONY
OF
PANHANDLE YOUTH SUPPORT SERVICE
(Runaway Homeless Youth Program)

BEFORE
HOUSE HUMAN RESOURCE SUBCOMMITTEE
REAUTHORIZATION OF JJDP ACT
A Runaway and Homeless Youth Act

HEARING - MARCH 30, 1992
GRAND ISLAND, NEBRASKA

PRESENTED BY
RUTH VANCE, PROGRAM DIRECTOR
PANHANDLE YOUTH SUPPORT SERVICES
PANHANDLE COMMUNITY SERVICES
GERING, NEBRASKA

1. Congressmen, Mr. Chairman and Members of the Subcommittee on Human Resources, thank you for the opportunity to provide testimony on behalf of children and families in rural Nebraska. My name is Ruth Vance. I am Director of Panhandle Youth Support Services (Panhandle Youth Shelter and Transitional Living Programs) in Scottsbluff, NE. My agency is a member of the National Network of Runaway and Youth Services (NNRYS). The National Network brings together hundreds of community youth service providers to share ideas and improve our individual abilities to serve youth and families. (Our runaway Homeless Youth Program stresses family reunification.) The grantee agency is Panhandle Community Services, a Community Action Agency.

2. Services. We provide temporary shelter, crisis intervention, individual, group and family counseling and mediation, referrals to other resources, transportation, school attendance if possible in public schools through home work from youth school, G.E.D., vocational education, and independent living skills training. We operate a Hotline for parents and youth, a non-crisis support Teen Line, recreational and cultural experiences, an Ala-Teen group, aftercare group and we provide parenting classes. Our goal is family preservation through reunification of youth and families. For homeless youth we provide support services to promote a transition to self-sufficient living to prevent long-term dependency on Social Service.

I am here to talk about the urgent needs of high-risk youth and the desperation they face in trying to get help for themselves and their families. The youth we see are not living on their own to realize dreams of personal autonomy and adventure; they are leaving desperate situations. They are fleeing parental neglect, both sexual and physical abuse, family violence, alcoholism, and drug abuse. These youth are sometimes forced from their homes by parents and stepparents because the they find caring for their youth beyond their capabilities, and in some cases, parents push their teenager out of the home to avoid their parental responsibilities.

These young people have few skills or life experiences with which to earn a living. They appear invisible to many because they are disconnected from community life. They lack access to schools, health care, families, counseling services, and other community support systems. Many of them are in need of mental health care due to life/family circumstances that put them at risk for substance abuse, early pregnancy, HIV infection/AIDS, status offenses and other crimes that lead to delinquency and which perpetuate a pattern for a life of crime, because the initial problems have not had intervention or been resolved.

We are aware of the seriousness of the budget deficit facing Congress. However, we know that the youth are struggling to survive while falling prey to a number of other social problems.

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3. Barriers to helping youth reunite with families or become self-sufficient.

A. Funding

Increased funding is needed to provide continuation of present services and to provide program expansion in the smaller rural towns which are not adequately served. Our shelter serves the entire 11 county Panhandle and the current federal funding is $40,050. The ability to expand to meet the needs of youth in the smaller towns, in addition to the current operation of the shelter is severely hampered by inadequate funding from all sources (local, state and federal.)

We realize that there are tight budgets and budget cuts at all levels of government. However, these budget cuts affect the ability of communities to provide an alternative to the more costly juvenile justice, child welfare and mental health. For runaway and homeless youth programs, the budget cuts also mean discontinuation of some services, continued low wages for staff, loss of positions and increased staff burnout, at a time when youth and families need well-trained professionals.

Additionally, there is a lack of funds to provide or develop needed intervention. We do not have foundations and corporations that have funds which can be tapped.

B. Outreach Service and Support Services

In rural Nebraska there is a lack of programs to meet and serve youth and parents' needs or to provide alternatives to jail or other locked facilities for youth; needs such as lack of foster homes, substance abuse, mental health and family counseling, prevention education and service to youth, family and community.

As mentioned earlier, parenting classes and support groups are offered through the shelter. Although often parents and youth are hesitant to become involved at the beginning, by the end of the sessions, parents are wanting more help and other opportunities for learning and support. We see a great need for more outreach, prevention and early intervention services provided to youth and families.

C. Lack of Education

In today's society, many youth drop out of school at age 16 and get out of education. What happens to these youth? They have few job skills, low education, low self esteem and often end up involved in substance abusing, crime and in the legal system. Parents may have given up on the youth, not knowing what to do or where to go for help. Youth may have "run" from abusive situations. Society may see these youth as throwaways.

There is strong need to promote parent responsibility and involvement with their youth. Because of the problems seen and dealt with when working with youth and families, it

is important to involve families in the treatment of problems experienced by youth. In order for change to be successful and long-lasting, parents need to be involved and need to attend counseling, support meetings, etc. Often parents see the problem as being the child's problem and don't see the part they play or have played in the situation. This needs to be resolved.

Intervention requiring parent involvement needs to be mandatory and sometimes may need to be judicially enforced. Youth need to be given the opportunity to find solutions to their situations, complete their education and learn skills to enable them to be self-sufficient citizens in the community.

4. Needs for the Future.
   - Outreach to youth and families sooner.
   - Prevention/intervention service to youth and families.
   - Public awareness and prevention education.
   - Revision and/or enforcement of laws.
   - Mental health and preventive counseling services to youth and families.

5. Recommendations. We strongly support the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA). The minimum authorization level for JJDPA should exceed $100 million.

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PANHANDLE YOUTH SUPPORT SERVICES CLIENT DEMOGRAPHICS
FY1991

Race	Shelter	Transitional Living
Native American	51	7
Mexican American	57	24
White/Caucasian	146	83
African American/Black	3	1
Asian	0	0
Total:	267	115
Females	141	43
Males	126	72

Identified drug related problems of Shelter youth: 14

Identified drug related problems of Transitional Living youth: 15

Other problems related to Shelter and Transitional Living Youth:
- Sexual abuse by parent
- Physical abuse by parent
- Neglect by parent
- Parent's drug/alcohol problem
- Domestic violence
- Parents too strict

Outreach program:

Aftercare:	281	(some duplication with Shelter and Transitional Living youth)
AlaTeen:	154	
Mediation:	48	(for a four month period)
Parent Classes:	26	

Chairman MARTINEZ. Thank you, Ms. Vance.

We will come back to you for questions once we have heard the entire panel.

Father Peter.

Father PETER. Thanks for the opportunity to talk.

You don't mind if I go over to the blackboard, do you?

I am an old professor.

My name is Father Peter, and I represent 15,000 kids across the United States, and I appreciate the opportunity to talk to both Congressmen and all the staff here.

What I would like to do today is, very briefly, put up this board and tell a story. The story is about a girl named Martha, but she could be any kid from central Nebraska, from the mid plains. This is what Martha looks like. She is over here.

When I met Martha, Martha was 11 years old and an alcoholic. I said, "Martha, when do you remember the first time you started drinking?"

She said, "It was in the first grade. I remember my Dad trying to get me to drink so that he could do to me what he had been doing since I was a teeny little girl."

She said, "It was the first time in my life I said to myself, maybe that is a good idea to drink, maybe it won't hurt so much."

This is what it looks like in Martha's world. On the one side, Martha feels powerless. Who is in charge?

This man over here. If you tell anybody, first, they won't believe you. Secondly, Mom will throw you out of the house. Thirdly, we will never love you anymore. Martha is powerless, literally powerless. This person over here isn't just powerful, he is all powerful. He has taken the place of God.

Martha is convinced that it is her fault. Dad has told her over and over again: "When you were a 3 year old, if you hadn't been wearing that frilly little nightgown when you hopped on my lap, this would have never started." "It is my fault."

With that goes an enormous amount of what?

Guilt that is coming up right next to that. "It is my fault. I am angry, I am guilty. What is Dad saying? It is not my fault, not my fault."

This little girl had a secret. I cannot tell you how many kids have terrible, horrible secrets.

Congressman, when you were beaten as a little boy, you had a secret too. This could just as well be physical abuse as it is sexual abuse.

"If I tell anybody, nobody will believe me. They will throw me out."

By the way, they did throw her out when she told.

Who is this person over here?

The keeper of the secret.

Lastly, it might sound strange to all of you people in this room, but she says: "I love my Dad. I love my Dad."

Dad says: "I love her, too."

This is the ideology of troubled children, the anatomy of what they look like. What is the difference between Martha in central Nebraska, and Martha in Brooklyn, or Orlando where we are, or New Orleans, or Los Angeles, the large metropolitan areas?

It is really simple. They all feel powerless, but in a different way.

In Los Angeles, you can go for help. There are people who help but access to the system is almost impossible. You wait in line. You try to talk to somebody. It doesn't work. The system doesn't work in Los Angeles.

In Central Nebraska the problem is that there isn't any system. You know what I am saying, folks: there just isn't any system.

You can go to school. There are nice people in school, but they don't know what to do. You have a nice doctor in town but he doesn't know what to do. The powerlessness expresses itself differently, but it is still powerlessness.

So you get the same symptomology in all towns. You get drug abuse, you get runaways, you get suicide, you get teenage pregnancy. If you think you are going to solve your problem by giving everybody a condom and the pill, you are crazy. This little girl has huge problems. You can give her every barrier method of contraception known but she is still going to have problems.

I am just trying to say, there is symptomology and then there are the problems. This is the way I see it, Martha engages in victimizing behavior. She is a victim, so she engages in the kind of behavior that is victim behavior.

What does she do?

She runs around. She gets herself into trouble. Maybe she gets herself pregnant. If she is in L.A., she gets into gangs, she gets into all the violence, all of that behavior, or she is suicidal. All of this is the behavior of a victimized person. She doesn't have any other way to do it.

You saw this morning in our bit play that what we are trying to do is say, "Yes, that is one way, it is a dead end. There is another way to go. There are other kinds of behavior, but they have to be taught, they have to be learned."

What does this have to do with the Juvenile Justice and Delinquency Prevention Act?

It is really quite simple and straightforward. There are three factors in my own mind that are going to make a difference in this whole thing. The first is funding, the second is treatment systems, and the third is people. Not one of those by itself is going to do a heck of a lot of good.

You might have treatment systems and people who are really caring. But the people are stilled and there isn't any funding, so it can't work. If you have funding, but you don't have good treatment systems or people who know what they are doing, it won't work. All three of them are necessary.

There is a PS to all of this. If you take all three of those and you put them in, we will change the face of America's troubled children. We will really change the faces of America's troubled children.

That is why we are pleased as punch that you would come to listen to us. We are asking you for more funding. Boys Town has treatment systems that really work, and we ought to spread that across the United States. We need help. Our shelter here costs $450,000 a year to run, and we are getting about that much help. We are getting $450,000 to run the shelter, and $59,000 in help

from juvenile justice. We need a little more. We are never going to have enough, but we need a little more.

There is a P.S. to all of this, and the P.S. is really simple. Sometimes when I read the papers and I see what you folks are doing in Washington, and I hear the folks give good speeches, and I look at the good stuff that is happening, I say to myself: "I wonder if anybody really understands that to help these kids get better you really need somebody day-after-day-after-day to take all those skills and to love the kids. To help shape this little girl so that she goes in the right direction."

This is not something that you do by passing an act. It is not something that you do by giving a speech, or I do by giving this little speech. What you are doing is vital, but when it has to be done, it has to be done for the simple reason that Martha needs help.

P.P.S., and I am done. One of our kids had a dream the other day. I have told this story often, I hope you take it back to Washington. He said that he was on Interstate 80, that is the great interstate that goes across the prairie, the great plains of the United States. This is what the anatomy of his disease looks like. He is a physically abused kid. He is angry. He is hurt. He has a secret. He is confused. He is engaging in destructive behavior. He has stolen a car. He has done all kinds of things. He has done drugs.

He said: "I had this dream." He said, "We were on the interstate with four of my friends. We had a wreck, somehow or the other we went off and were in the ditch."

He said, "First the State highway patrol came then they called an ambulance. The ambulance came and took the four other kids."

"I was in the back seat of the car. I kept crying out, please help me," he said, in his dream. "They could not hear me, and they could not see me, so," he said, "after they left, I got out of the car, and I walked down to the interchange and down the ramp. I went to the restaurant that was there, and I walked into the restaurant."

He said, "It was crowded with people. I cried out in my dream at the top of my voice." He said, "I was bleeding, I was hurt, wouldn't somebody please help me?"

He said, "Nobody heard me, and nobody saw me."

We ask you, listen to that boy. Listen to the boys and girls in the shelter. I am not a witness at this hearing. The kids are the witnesses at this hearing.

Thank you.

Chairman MARTINEZ. Thank you, Father Peter.

[The prepared statement of Father Val Peter follows:]

Testimony before the House Subcommittee on Human Resources
Field Hearing, March 30, 1992, in Grand Island, Nebraska
Regarding reauthorization of the
Juvenile Justice and Delinquency Prevention Act (JJDPA)

Congressman Martinez, Congressman Barrett:

My name is Father Val Peter and I am Executive Director of Boys Town. In 1991 we took care of 15,000 children in 9 States of the Union. We are in large urban areas, small urban areas, and rural areas, such as the Boys Town Mid-Plains Shelter here in Central Nebraska. We are in Rhode Island, Brooklyn, Orlando, Tallahassee, South Florida, New Orleans, San Antonio, Las Vegas, Southern California, Southwest Iowa, and Omaha, Lincoln, and Grand Island, Nebraska.

We are fortunate to be able to see children in all of these different settings. We see differing ethnic groups, cultural groups, and family backgrounds. It gives us the opportunity to realize and understand both the differences between these populations of children and the similarities as well.

A. WHAT DO ABUSED CHILDREN AND YOUTH LOOK LIKE?

There is a common structure to the feelings, the problems, and the behaviors of abused children and youth in America. Let me illustrate it by the story of Martha. She comes from a small town on the Great Plains, but she could just as easy come from any town or large city in America.

Martha, age 14, told me: "I remember the first time I got drunk on purpose. I was in the first grade. My dad wanted me to get drunk so he could do those terrible things to me again. And it was the first time in my life I said to myself, maybe it is a good idea to get drunk because then the pain won't hurt so much anymore."

Martha is a 14-year-old alcoholic who is already sexually acting out with older boys. If you look at the structure of her pathetic life, you will see the following:

MARTHA	DAD
1. Powerlessness	1. All Powerful

Martha feels totally powerless in the face of her father's sexual aggression. He has told her over and over again: "You will do what I tell you to. You know that nobody will believe you if you tell them."

Martha stands powerless before a man who cannot control his own sexual drives. She feels no way in control. She feels there is no way she can change what is going on.

This all began when she was 3 years old. Her father told her: "If you tell anyone, I will kill Fluffy our dog."

MARTHA

2. My Fault Guilty/Angry

DAD

2. Not My Fault

Martha feels terribly guilty for what has been going on in her life for these 9 years. Her father has told her repeatedly: "You like it. You know you like it." And she has even begun to have orgasms and her father says: "See, I told you you liked it."

Her father also says: "This would have never started if you had not been wearing that frilly little nightgown and hopping on my lap when you were 3 years old.

Martha believes that the cause of all her troubles can be found within herself. At the core of her being, she finds herself filled with shame.

MARTHA

3. Secret

DAD

3. Keeper of the Secret

Martha and her dad have a secret. She cannot tell anyone.

If she told her mother, she is convinced her mom wouldn't believe her anyway. Her dad told her if she tells someone, she will be thrown out of the house. Well, she did tell someone, a counselor in school. And when the counsellor talked to her mother, guess what? She was thrown out of the house. And that is what brought her to our Boys Town Shelter.

MARTHA

4. Love

DAD

4. Love

As strange as this may seem, Martha who is powerless, who is guilty, and who has a terrible secret, still loves her father in some fundamental way that a child would love a parent, no matter how abusive that parent might be. And the father still loves the daughter in some fragmentary and remote fashion as a father would love his daughter.

Martha demonstrates the typical characteristics of an abused child and youth. If Martha had been physically abused, instead of sexually abused, the same characteristics
would be present.

And the important fact that I would like to underline for this Subcommittee, is that these same characteristics are found for abused children in large urban areas, small urban areas, and rural areas. This is the anatomy and physiology of abuse. It is universal.

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B. WHAT BEHAVIORS DO ABUSED CHILDREN ENGAGE IN?

Martha, to no one's surprise, is out of control at home. She has been skipping school. She has done drugs. She is already a full-blown alcoholic. She has attempted suicide twice. She has been caught shoplifting 3 times.

All of these behaviors are symptomatic of an abused youngster. I call them revictimizing behaviors. Why revictimizing? Because what Martha is doing over and over again is she is revictimizing herself.

She is repeating her experience of being victimized by her father in a variety of way, all of which are harmful to her.

Angry, helpless, troubled children and youth engage in these behaviors. They come from every geographic location whether rural, urban, or from the north, south, east, or west across our great nation.

And just as the original sexual abuse destroyed Martha's childhood and made it impossible for her to grow and develop normally, so these revictimizing behaviors are making it impossible for Martha to have a normal adolescence and to grow into a happy, productive adult.

C. HOW DOES MARTHA GET BETTER?

The answer is: teaching. Martha has learned antisocial and self-destructive behaviors. Martha has learned how to revictimize herself over and over again. Utilizing the denial process, Martha has become an active participant in making it more and more impossible to get better. Martha's victim behaviors are learned. Martha now needs to learn survivor behaviors. She needs to learn healthy behaviors in 4 areas:

- She needs to learn behaviors that show her she is in charge of her life. These are behaviors that show she is powerful and not powerless.
- She needs to learn behaviors that do not reinforce guilt. She needs to learn behaviors that make her feel good inside and outside, up and down.
- She needs to learn behaviors that are not hidden, that are not secret, that are not whispered. She needs to learn behaviors that are productive, constructive, and self-affirming.
- Finally, she needs to learn behaviors that are appropriate, loving behaviors. Behaviors that are noneroticized. Behaviors that are caring and sharing. These are, at heart, friendship behaviors.

In other words, there are options to drug behaviors. There are options to suicide behaviors. There are options to family-crisis behaviors.

Learning how to talk with people, communicate with people, share with people is one of those behaviors. Learning how to problem solve is a facet of communication behaviors.

D. *WHAT IS THE DIFFERENCE BETWEEN SERVICES FOR MARTHA IN THE RURAL AREA AND URBAN SERVICES?*

If Martha lived in East Los Angeles, and wanted to do something about her problem, she may not know how or where to look for those services. If she looked, she would find all kinds of organizations listed in the phone book ready and willing to help her.

But when she tried to access those services, she would find herself, over and over again, repeatedly frustrated by long lines, overworked staff, underpaid agencies, and bureaucratic morass. In addition, she would not have access to some services because she could not pay for them or might need parental consent to get the services.

But Martha doesn't live in Brooklyn. She lives in Central Nebraska. What does she find there? The problem is not access to services. The problem is simply no services at all are available.

Her school counselor, a good person at heart, is unequipped to deal with these problems. Her rural physician is overworked and not the kind of person you could talk to. She feels he is too exalted in the community and wouldn't believe her anyway. As for the police, they have no means of helping. There are no services, no programs, and not even any reporting guidelines if a school counselor wanted to do something about it. Her minister or priest wouldn't have a clue what to do.

If Martha would be in Brooklyn, it would be scary for her just to walk down the street. And she would soon be gang related either as a victim or a victimizer or probably both. That is the deceptive thing about rural America, Congressman Martinez. You are from South Los Angeles and when you drive through rural America, it looks so peaceful and you see the spires of little country churches and everything seems well-ordered, just as the good Lord intended.

But when Martha walks down the country road, she does not see the gravity and the gang violence of Brooklyn, she simply sees: that no one cares. That is right, no one cares.

E. *THREE FACTORS INVOLVED IN HELPING MARTHA*

There are three vitally-important factors that must coalesce together if Martha and others like her in rural and urban areas are to be helped to find, once again, healing and hope:

- funding
- effective treatment systems
- skilled workers

Congressman Barrett and Congressman Martinez, I ask you to please realize that when we ask for further funding, it is not because we believe that is the solution to our problems. It is a major factor, but without effective treatment systems and without skilled service providers, it will simply not work.

We do need increased funding in the reauthorized Juvenile Justice and Delinquency Prevention Act. Why can't we -- in an age when the Cold War has been won -- at least raise the budget to $100 million.

We at Boys Town know that there must be a public/private partnership. Corporations, individuals, and all people who care about children need to join hands with us and with the government in bringing this healing and hope. Our Grand Island Mid-Plains Shelter budget is $434,000 and of that only $59,000 comes from this Federal Act. That means that less than 15% of the monies that are spent on our troubled children comes through this federal funding mechanism.

We are not asking for 100%, but 15% just doesn't make sense in the post Cold War era. Sometimes folks in Washington give the impression that legislation will "fix" America's problems. This Act, as important as it is, will not fix the problems of America's troubled children. But it will help.

Please write into your bill funds for:

- In-Home Intervention Services

  If family intervention in the home had been possible for Martha, she would not be at the desperate stage of her life she has found herself in now.

- Parent Training

  More and more American parents are becoming more and more frustrated because of behavior problems of their children. More often than not, parents are not taught how to deal with their child's behavior and, therefore, never learned how to effectively teach the correct discipline and teach children appropriate ways to behave.

- Effective Treatment Programs

  Martha will not be restored to health by legislative enactments. Martha will not be restored to health by kindly, loving people who do not have the skills necessary to teach Martha new behaviors. Martha will not get better simply by giving her an ample supply of birth control pills and devices. Martha will not get better simply by giving her a roof over her head and good, warm meals.

  Please make provisions in the Act for awarding effective treatment programs. Effective means outcome-based programs. Programs where kids actually get better. Avoid taking a systems-outcome approach. Too often people count as a success family reunification, without realizing that if Martha is simply reunified with her father, the abuse will continue.

F. A CONCLUDING STORY

A boy told me a story sometime ago -- I have retold it over and over again -- of a dream that he had. He was driving down Interstate 80 with 4 of his friends. Interstate 80 is that great ribbon of highway that runs across the entire United States from East to West. For some reason or other the car went out of control and ended up in a ditch with all 5 boys hurt. In the dream, the Nebraska State Highway Patrol came and promptly dispatched an ambulance which carried the other four boys to the hospital.

This boy said: "Father, I was in the back of the car. I was badly hurt. I cried out to the State Trooper and the ambulance people, 'please help me,' but none of them could hear me and none of them could see me."

So, he said, they left and he painfully got out of the wreck and forced himself to walk down the highway to an interchange. He walked down the ramp and there was a restaurant there. He struggled mightily and opened the door of the restaurant. In the dream, he called out to all the people who were eating there: "would somebody please help me." He said: "Father, nobody heard me and nobody saw me."

His -- and Martha's -- is the real testimony you need to respond to, not mine.

Thank you very much.

Chairman MARTINEZ. Ms. Adair.

Ms. ADAIR. I kind of feel like the collection plate being passed around after the sermon. It is hard to follow Father Peter. This girl from Oklahoma will do her best.

I will keep my remarks brief. In addition to my written testimony, there is a blue sheet called "The State of the Child in Nebraska" that each of you should have. If you don't, there are some out in the hallway.

As you are probably aware, Nebraska is a fiscally and politically conservative State as well as a rural State. We tend to wait and see what the attitude is when any changes in procedure are proposed. We certainly did that with the JJDP Act.

As you know, it started in 1974. Nebraska didn't enter into the Act until 1981. We really didn't take any substantial movement until 1988. Here it is 1992, and the State of Nebraska still has no State law saying that children will not be locked in adult jails, period.

We still have no State law saying that status offender children will not be locked in adult jails or secure juvenile detention. In fact, we have no State law that even defines secure juvenile detention.

We have no State law that requires the implementation and monitoring of minimum safety procedural or program standards in secure juvenile facilities.

We are working on a piece of legislation this year. We are hopeful that it will pass, but as of today we have no minimum standards protecting either the children or the staff in secure juvenile detention facilities.

We have no State law saying that children won't be detained for pre-trial purposes in State training schools. We have no State law saying that children who are victims of abuse, neglect, or otherwise, who are before the court through no fault of their own, will not be locked up in a State training school for 30-day periods before disposition, and they are.

We have no State funding to provide social services for kids once they are labelled delinquent. These are all sins of omission as we wait and see, but the overriding sin of omission in the State is that there is no State agency whose sole purpose is to serve the needs of children in Nebraska. We have a State agency for roads, for businesses, for elderly, but we have no State agency whose sole function is to care for our State's children. Another piece of legislation hopefully will remedy that, but there are no guarantees that it will go through.

What this means is that children are an afterthought in Nebraska. We provide services for adults, and then if any crumbs are left, we provide the leftovers for kids.

An example of this is, there was an old county jail in Douglas County that was determined to be too old, too much in disrepair, too dangerous for the adult prisoners there. They closed this facility and built a brand new Douglas County Corrections Facility for the adults. Three months after that old dilapidated jail was closed, a fresh coat of paint was put on the bars, and it was reopened. Now it houses children. The children get the crumbs.

To give you an idea of where children are in Nebraska, I think it is helpful to have some demographic information. There are only about 1.6 million people in the State of Nebraska. We are largely rural, 50 percent of the population is in three eastern counties, the other 50 percent is in rural areas and small towns. The State stretches 470 miles from east to west.

A child from Omaha who may be sent to the State training school is 200 miles away from his friends, from his family, from his school, from his community. There are 429,000 children ages 0 through 17 in Nebraska. That is 18,698 fewer children than 10 years ago.

At the same time, our elderly population has increased by 17,384. We are a graying State in a graying Nation.

Children in Nebraska are twice as likely to be victims of murder as the elderly, and 34 percent of the victims of forcible rape in Nebraska are children ages 17 and under. Only 36 percent of all Nebraskan households have children under age 18 living in them, and 20 percent of all Nebraska children live in poverty.

Half of the kids in Nebraska live outside the metropolitan areas. Kids in rural areas have only limited access to preventive services such as recreation and employment opportunities. They have limited access to low-end intervention such as family mediation, shelter care and crisis counseling.

The only service that is State-funded and readily available to rural children in Nebraska is incarceration in the State's two training schools.

Nebraska has traditionally provided dollars for youth services in direct proportion to how far away from home the kids are. The maximum AFDC payment for a mom and two teenagers in Nebraska is $364 a month. If you take those two kids out of the mom's home and put them in foster care, the maximum payment for those two kids is $1,152 a month, almost three times as much to take them out of their home.

If you decide that you're going to move them further away from their home and place them in a State training school for a 30-day evaluation, that 30-day evaluation costs $3,009 each. For the two boys, it would be $6,198. They are further away from home, charging more money.

If you then decide that you want to get them even further away from home and place them in out-of-state care, it would be $6,000 a month, $12,000 for these two boys. Right now, we have 67 children in Nebraska who are in out-of-state institutions.

This payment process is one reason why we have 1,300 more children in out-of-home care in Nebraska than we did 10 years ago even though we have almost 19,000 fewer children in the State.

What we need in Nebraska, in this rural State, is a case management system where we can bring the services to the child in the rural areas rather than taking the child away from the family and placing that child into services 200 miles away from home. We also need a funding process that places priority on children rather than on bricks and mortar.

In 1990, 79 Nebraskan children were locked in adult prisons; 1,124 children were locked in adult jails, the youngest of whom were 9 years old; 4,954 children were held in locked facilities in Ne-

braska; and the total incidents of child involvement with the courts, from probation to parole, 12,372. And we only have 133,000 kids 12 through 18 in Nebraska; 12,372 incidents of court involvement.

Nebraska ranks ninth highest in the Nation for incarceration of children in State training schools and, not surprisingly, ranks 12th highest in the Nation in the number of per capita training school beds.

One study, which is in your blue packet, shows that almost two-thirds of the boys in the training schools and almost 90 percent of the girls in the State training schools could be served in their own communities if those services were provided for them. But we continue to throw our kids away.

We are making some progress, but the wheels turn incredibly slow as we wait and see. We do have a law now providing grant funding for community-based services. We have a few temporary holdover facilities to guard against misuse of adult jails. We are going into communities and providing information and training on alternative programs. We are looking toward implementation of detention standards, and we are at least thinking about providing for a juvenile services agency.

But we are still a very needy State. We need both the guidance and the funding provided by the JJDP Act. We need the guidance because our State laws do not protect our kids well enough, because our State's juvenile code is antiquated, does not protect youth from systemic abuse, nor does it protect those people who are trying to follow the JJDP guidelines with legal standing.

We need the JJDP funding because we are a rural State, and overcoming the barriers to adequate youth service delivery in rural areas is very expensive. We do not have a big bucket of money to change from a punitive, bed-driven, institutional system to an effective program-driven community-based system.

The biggest excuse I've heard so far to do nothing is lack of funding. Without that excuse, there is no excuse.

Thank you.

[The prepared statement of Peggy Adair follows:]

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STATE OF THE CHILD IN NEBRASKA

DEMOGRAPHICS

1990 Nebraska population: 1,578,385
Children, 0 - 17: 429,012
Children, 12 - 17: 133,812

Total households with children under age 18: 36%
Total households with children under age 18, headed by single parents: 20%

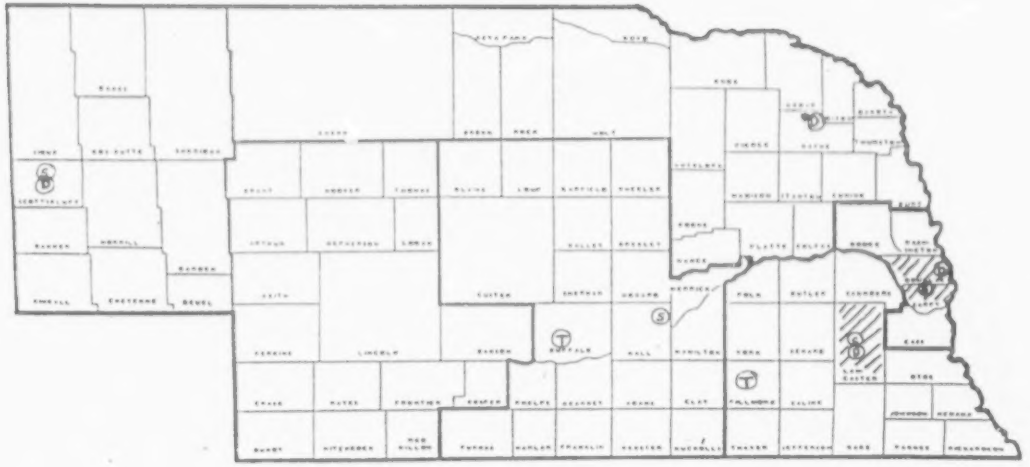
CHILDREN AND THE COURTS

Children in adult prisons: 79
Children in adult jails: 1124
Children in all locked facilities: 4954
Total incidents of child involvement with the courts, from probation to adult prison: 12,372

CHILDREN OF COLOR

Children of color as percentage of total youth population: 8.5%
Children of color involved in juvenile arrests: 16%
Children of color as percentage of incarcerated youth in Douglas County Corrections and state prison system: 55%

NEBRASKA YOUTH SERVICES



D - juvenile detention
S - shelter care
T - state training school
/// - counties with greatest population

*scheduled to close 6/92

84

88

89

From: JUVENILE SERVICES PLANNING COMMITTEE
FINAL REPORT APRIL 1991

COMPREHENSIVE RANGE OF YOUTH SERVICES
AND AVAILABILITY IN NEBRASKA

*Available in Nebraska	**Partially Available	***Not Available
	PREVENTION	
	School dropout prevention In-school child care Shelter care In-school health care Crisis intervention services Employment opportunities	Accessible transportation Social Services available without court involvement Comprehensive juvenile justice training for judges, attorneys, probation, staff Juvenile intake services
	DIVERSION	
	Diversion can encompass any prevention and/or noninvasive dispositional alternatives. Availablity depends upon service needed. Availability of diversion itself is limited to certain counties and to certain judges within certain counties	
	PRE-TRIAL ALTERNATIVES	
Secure detention Adult jails/lockups	Holdovers Emergency foster care Shelter care Electronic monitoring Intensive supervision	Comprehensive juvenile intake services In-home detention
	DISPOSITIONAL ALTERNATIVES, NON-RESIDENTIAL	
Probation, no services	Probation, with services Community service Restitution Drug/alcohol education Life-skills training Athletic programs Outpatient drug/alcohol treatment Group therapy Individual/family therapy Psychological/psychiatric evaluations	Literacy programs Pre-employment training Mentoring After school care Experiential education Intensive supervision Sex offender treatment
	DISPOSITIONAL ALTERNATIVES, RESIDENTIAL, OPEN ENVIRONMENT	
	Foster care Therapeutic/specialized foster care Group homes Specialized group homes Drug/alcohol treatment	Proctoring Sex offender treatment Assessments and evaluations

----------DISPOSITIONAL ALTERNATIVES, RESIDENTIAL, LOCKED ENVIRONMENT----------

Geneva evaluations
Youth Dev. Centers
Lincoln Regional Cntr.
Psychiatric hospital units

Attention Center treatment program

Serious youthful offender facility

----------AFTERCARE SERVICES----------

Foster care

Case advocacy
Family reunification counseling
Educational/vocational programs
Support groups
Transitional proctoring
Trained foster care
Transitional group homes

*Available in Nebraska: Accessible to youth in every jurisdiction with no waiting list, funding delays, or other exclusive features. Availability does not imply quality.

**Partially Available: Available to some youth in some jurisdictions only; may have waiting lists, lack of trained personnel in the community, or other exclusive features.

***Not Available: Unattainable by the majority of Nebraska youth due to procedural barriers, lack of trained personnel, lack of funding, lack of transportation, or nonexistent resource. There may be isolated exceptions.

JUVENILE JUSTICE FACT SHEET
Spring, 1991

Voices for Children is committed to improving Juvenile Services in Nebraska and is pleased to have the opportunity to work with each of you in the interest of children. In developing a comprehensive plan for services it is important to look at what exists in order to identify needed change. Following is a fact sheet setting forth the present situation in Nebraska's juvenile justice system, developed from studies commissioned in Nebraska over the last 20 years. A list of studies and other sources can be found on the last page. The first Juvenile Justice Fact Sheet was published in the fall of 1990. No major change in the status of Nebraska's juvenile justice system has occurred since that time.

JUVENILE CODE/JUVENILE COURTS/JUVENILE JUSTICE SYSTEM

* Portions of Nebraska's Juvenile Code are in conflict with federal mandates.
* The Juvenile Code does not include a clear statement of philosophy.
* The role and function of various agencies and agents operating within the juvenile justice system are not clearly defined.
* Juvenile court judges, county attorneys, public defenders, police, youth staff, are not required to have any specialized training in juvenile justice, adolescent development, crisis intervention, or effective treatment.
* Juveniles can be moved to a more restrictive placement without a court hearing to justify such placement.
* Juveniles spend inordinate amounts of idle time in secure facilities awaiting placement, court hearings and transportation.

PREVENTION, INTERVENTION, TREATMENT

* There is an overreliance upon expensive out-of-home treatment, and a lack of incentive to use community-based treatment.
* Juveniles cannot receive state-funded social services without court intervention.
* Juveniles adjudicated solely as delinquents do not receive state-funded social services.
* Less than 10% of the juveniles who need multiple services receive the services they need.
* Caseloads for juvenile probation, juvenile public defenders, juvenile parole, exceed national standards and are too high to provide effective intervention services.
* Nebraska relies heavily upon inpatient adolescent evaluation and treatment for low risk youth rather than devoting energy and dollars toward prevention programs, community-based programs, crisis intervention programs, and support groups for youth.
*Access to programs for high risk youth with special needs is limited.
*There are no standards requiring minimum quality for treatment programs.

PRETRIAL DETENTION

* There are no state safety standards or program standards for juvenile detention facilities resulting in inconsistencies across the state. (Being drafted by the Jail Standards Board of the Nebraska Commission Law Enforcement and Criminal Justice.)
* Staff training is inconsistent, insufficient, and in some locations nonexistent.
* There are no clear, written, substantive criteria for deciding which youth will be placed in secure detention, which youth will be placed in shelter care and which youth will not be confined.
* While state law forbids children under age 12 from being committed to state training schools, 8 and 9 year old children are held in detention facilities.
* Youth detention is a traditional function of counties and state funding for building, programs, or staff training is not consistently available.
* In the Douglas County Youth Detention Center isolation is used excessively and indiscriminately as a method of control.
* Community resources (volunteers, service organizations, educational enhancement) are not being utilized in the Douglas County Youth Center.
* Detention is defined by some officals as the mere warehousing of youth, rather than a time to begin positive growth.
* Minority youth are more likely to be detained than white youth who have committed similar acts.

COURTHOUSE JAIL-OMAHA, NE

* Douglas County holds misdemeanor juvenile offenders in jail on the 6th floor of the Courthouse, separated from adult offenders but guarded by adult corrections officers and subject to adult corrections rules and consequences.
* The juveniles in the Courthouse Jail may remain there for up to one year and are never allowed outside for exercise.
* The staff has no adolescent-oriented training.
* There are few adolescent-oriented programs or services available to juveniles held in the Douglas County Correction System.
* Youth awaiting transfer to less restrictive facilities, youth accused of alcohol offenses, and other unsophisticated youth are commingled with violent offenders in 16-person cells.
* Isolation is used as the primary method of control.
* Minority youth are more likely to be held in the Courthouse Jail than white youth who have committed similar acts.

EVALUATIONS

* Dependent, neglected, status offender, and delinquent youth are all commingled at the Geneva evaluation facility in violation of federal law.
* Evaluators are held in a more restrictive setting than committed youth at Geneva.
* Evaluators do not receive equal educational services as committed girls and continuity with community schools is frequently lost.
* Over 52% of evaluators come from Douglas, Sarpy, and Lancaster counties. In each of these counties, a full range of evaluation services is available.

YOUTH DEVELOPMENT CENTERS (YDC)

* There are no clear, written, substantive criteria defining which juveniles should be committed to a state training school, and which should not.
* 75% of the boys at Kearney and 90% of the girls at Geneva could be treated in their own communities with no loss of public safety and resulting in relief of overcrowding conditions at both Youth Development Centers.
* Learning disabled boys and girls are not capable of comprehending the Positive Peer Culture method used at the YDCs .
* Positive Peer Culture has been found to be an inappropriate treatment method for gang-oriented youth.
* The PPC method used exclusively at Kearney does not provide individual counseling, individualized treatment, treatment for sex offenders, treatment for abused children, or certified drug/alcohol treatment. The program at Geneva is somewhat more individualized but still lacks intensive treatment.
* Families are not included in the treatment programs at Kearney or Geneva, nor are they consistently kept informed of the progress of their children.
* There are no state standards requiring minimum appropriate, juvenile-specific training for YDC staff.
* Boys at Kearney are housed in 35-bed dormitory style rooms with no privacy and no place to express individuality.
* After discharge from the YDCs youth receive few, if any, aftercare services.

SERIOUS JUVENILE OFFENDERS

* Nebraska's juvenile justice system has not developed the capability to deal with serious or violent juvenile offenders.
* At any given time, approximately 200 juveniles are in adult corrections facilities across the state. These juveniles have no access to juvenile-specific services, and are under the authority of staff who have no training in dealing with adolescents.

JUVENILE CORRECTIONS

* Juvenile corrections is a branch of adult corrections, and does not have political or fiscal equality with adult corrections.
* Juvenile corrections functions under the adult corrections philosophy of punishment and deterrence, rather than the accepted juvenile justice philosophy of individualized justice, rehabilitation, and protection of the child.
* Juvenile corrections is underfunded and consists only of probation, institutionalization, and parole. A range of community-based juvenile services is not provided to youth by the juvenile corrections system.
* Corrections alternatives are developed, funded, and administered at the local level allowing for a wide variance in the quality, effectiveness, and availability of programs.

TRANSFER

* There is no statutory process for transfer from juvenile court to adult court.
* Juveniles do not have the right to exclusive original jurisdiction in juvenile court if they have committed a felony or if they are over age 15 and have committed a misdemeanor.
* In the transfer process, the practical burden rests upon the immature juvenile to prove his or her own immaturity.

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Risk Assessment of Committed Delinquents: Nebraska Youth Development Centers, Center for the Study of Youth Policy, February, 1990.

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U.S. Census Bureau, Children in Custody, Washington, D.C. 1985.

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Risk Assessment of Committed Delinquents: Nebraska Youth Development Centers

Division of Juvenile Services,
Department of Correctional Services
State of Nebraska

by

Russell Van Vleet and Jeffrey A. Butts

CENTER FOR THE STUDY OF Youth Policy

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96

IMPLICATIONS AND OBSERVATIONS

The risk assessment of the Geneva and Kearney YDCs indicates that Nebraska could reduce its reliance on these institutions and shift resources to less expensive, community-based care without great risk to the public safety. Thirty-five percent of the youths at Kearney and sixty-four percent of those at the Geneva YDC scored as "low" risks in this study (i.e., six points or less). These youths should be supervised in non-institutional programs. (See descriptions of a few such programs in Appendix IV.)

Combining low-risk youths with those scoring in the medium category, the study results suggest that -- based upon their risk profile -- nearly three-quarters of the youths committed to the Kearney YDC, and almost 90 percent of those at Geneva could be appropriate for community-based programs provided such programs were adequately supported and managed. Whether the percentages are 35 or 75, 64 or 90, the risk assessment profile demonstrates that secure confinement may be unnecessary for a large number of Nebraska youths currently being committed to the YDCs. Nebraska policy makers should support community-based alternatives for these low- and medium-risk youths. The state should actively explore ways of reducing the utilization of YDC beds in order to free resources for the development of alternatives to training school commitment.

Detention

In the opinion of the authors, it is likely that the same will hold true for Nebraska's detention centers. Due to a lack of consensus from the legislative subcommittee with respect to CSYP's role during the early part of this study, the authors did not proceed with an analysis of detention centers. During an early visit to Omaha, however, the

authors visited the Douglas County Youth Home. Its generally poor appearance, lack of programming, and apparent overcrowding raise concerns for the residents there as well as the State and its possible liability if conditions are not improved. On the other hand, the authors also visited the Attention Center in Lincoln which, in contrast to Douglas County, was one of the better detention facilities CSYP staff have visited nationally.

The authors have visited detention centers and training schools all across the country and the Douglas County visit was the first time a detention administrator refused to allow a cursory review of records, any discussion with placed youths, or explanations of the budget. There was also no attempt to even defend questionable practices such as denying residents outside activity, educational classes, and interaction with adult staff. The generally defensive and guarded nature of the staff and the very archaic approach to detention practice was most troublesome to the authors. Since the visit, Douglas County has apparently begun to review the facility and to offer improvements in its operation. This is a noteworthy and welcome change. There is much to be done before the facility is up to minimal standards of care.

There are youth advocacy groups within Nebraska that could be helpful in planning for needed changes in detention and training school programs. The authors strongly recommend that the legislature work cooperatively with these organizations and encourage counties that have juvenile facilities to do the same.

Juvenile Justice and Delinquency Prevention Act of 1974

The federal JJDP Act provides guidelines as well as financial incentives for states to improve their juvenile justice systems. States should follow the Act's guidelines because they are based upon the best current information about effective juvenile justice

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practices. Policy makers in other states have sometimes shared the perceptions of Nebraska officials who see the JJDP Act as an intrusion in state affairs. Rather than focusing on issues of autonomy and administrative control, the authors would encourage Nebraska decision makers to view the provisions of the JJDP Act as policy goals which are in the best long-term interests of both the state and its youth.

Status Offenders. In following the JJDP Act, the legislature should make careful study of both its intent and its language. For example, Nebraska currently allows local jurisdictions to hold status offenders in detention for up to 24 hours because it has interpreted the JJDP Act as permitting such a practice. The Act, however, allows holding such youths for 24 hours only if there is no one to whom the youth can be released, and there are no other placements available such as home detention, shelter care, or foster care. It has never been the intent of the JJDP Act to allow routine placement of status offenders in detention. The state of Utah has completely removed status offenders from detention by creating Youth Service Centers that the police can use in lieu of detention. Nebraska should explore such detention diversion programs for its status offender population, not merely because the Act demands it, but because it is good policy from both a public-safety and a family-support perspective.

6th Floor Jail. This facility was also developed supposedly in response to the JJDP Act. Youths who are tried as adults (through direct file provisions under prosecutorial discretion) need someplace to be held since the JJDP Act prohibits mixing of adult and juvenile offenders. The problem with this policy is that youths are indiscriminately being waived through the adult courts and then placed in the 6th Floor Jail. This allows youths who commit serious felonies and those with minor infractions to be housed together in a jail facility simply due to the circumstance of their arrest, not due to a careful process of waiver to the adult court. What is to prevent these same youths

from being arrested and sentenced to the Douglas County Youth Home on subsequent violations? Has this already occurred? How often? Is this not a violation of the intent of the JJDP Act? Instead of creating a jail facility (manned by adult jail personnel) Nebraska would be better served by reviewing its charging and waiver practices so that youths are processed properly into the adult system and not moved from one system to the other indiscriminately as now appears to be the accepted practice.

Monitoring, Licensing, and Setting Standards

Nebraska does not appear to have an agency whose responsibility is monitoring, licensing, setting standards for and evaluating youth facilities. Such a function is invaluable if the state is to operate a system that serves the best interest of the state's youth. Current legislative efforts to address this issue should be pursued. An office of youths services monitoring attached to a similar component within the corrections department would be a possible response to this glaring deficiency of the Nebraska system.

Staff-Training: Liability

Concerns were expressed at the Douglas County Youth Home, and the Geneva and Kearney YDCs that staff training was insufficient. Staff have the right to be trained to respond properly to the population they supervise. The state's failure to provide such training not only endangers staff and youths, but presents a major liability issue for the state itself.

RACE AND JUVENILE COURT DECISION MAKING REVISITED

[ABSTRACT]

Unfortunately, racism, perpetrated by virtually all of America's governmental institutions, has long been a fact and problem of American life. Prior research suggests that America's juvenile justice systems have not been void of the negative effects of racism; thus, racial equity in dispositional decisions is a major issue in dispensing juvenile justice. The study presented in this research examined Nebraska Crime Commission data over a consecutive six year period and found, all else being equal, that black youths are usually more likely to receive harsher treatment than are whites in terms of: (1)experiencing pre-hearing detention, (2) being formally prosecuted by petition, and (3) receiving a harsher final penalty. With regard to judging an accused youth to be delinquent, the analysis reveals a reversal of the foregoing relationship between race and harshness of the decision. The research concludes with some policy recommendations to remove racial biases from juvenile justice processing.

Phillip E. Secret, Ph.D.
Professor
University of Nebraska at Omaha

'Taxes Wasted on Youth Service Could Be Used More Effectively'

The writer, of Omaha, is a juvenile justice specialist on the staff of Voices for Children in Nebraska, a statewide child-advocacy firm.

12/31/91

Another Point of View

By Peggy Adair

The hand wringing, "ain't it awful" media response to a recent juvenile arrest ("Police Say 13 Year Old Treats Drug Arrest as Joke," World Herald, Dec. 21, 1991) fails to look beyond the sensational moment to ask the critical question: "What will happen to this kid?"

It is an important question to ask for two reasons. One, our tax dollars are going to be used in the "rehabilitation" of this young man. In these budget-crunching times, taxpayers have a right to be assured their tax dollars are being spent wisely. Two, whether this youth learns how to be a productive citizen or learns how to be a better criminal affects everyone in our community.

Typically, what happens to a kid in such circumstances is this: He is handcuffed and taken to the local detention center, a 40-year-old facility where he will receive no therapy or individual counseling; where he faces the very real possibility of becoming the sexual victim of older, stronger boys. He will stay there anywhere from two to 270 days.

He will meet with a public defender five minutes before he goes to court. It only takes five minutes because there are few options for a boy like this. He will either be placed on probation, or he will go to the state training school for boys. There could be other options; if the city, county or state governments were willing to pay for them. But they are not willing, and a boy like this, poor and black, is not able.

On probation, back in the questionable environment he came from, he receives no drug education, no family therapy, no educational assistance, no psychological counseling. No one is willing to pay. Without a positive support system, he quickly falls back into the comfortable routine of the only family life he knows. He sells drugs. The judge has only one option left: the state training school.

The Kearney Youth Development Center, Nebraska's training school for boys, has no certified drug counseling program, even though many of the boys there are at high risk for drug and alcohol use. The center offers no routine individual counseling, no mental health program and no therapy for sexual-abuse syndrome, even though more than 75 percent of the boys have been victims of sexual abuse.

Almost half of the "students" at Kearney are minority youths, yet the youth-care staff is entirely Caucasian. The only "treatment" at the center is called "positive peer culture" (PPC), a 25 year old system of group control, where the boys (all from dysfunctional backgrounds, none with a college degree in human services, many learning-disabled or mentally low-functioning) provide their own group therapy.

It's cheap. It gets the administration off the hook. And it is a great management tool. It is also grossly inadequate. It does not get to the underlying issues and unmet needs that lead a boy into a troubled adolescence.

After anywhere from 3 to 12 months at the Youth Development Center, a boy is paroled and eventually ends up, you guessed it, right back in the dysfunctional environment he came from. Before long he falls back again into the family routine. The county attorney, irritated that the boy "failed," sends him through adult court, and the judge sentences him to adult prison. What we have unwittingly created, in this entire process, is a criminal.

And the cost to taxpayers? To send a boy to Kearney costs about $22,000 a year. On the other hand, to provide all the appropriate intensive, community based services he needs, including therapeutic foster care, educational services, one-on-one counseling and family intervention, costs $12,000.

Community based youth services have proved to be as effective or more effective in reducing juvenile crime than traditional institutionalization, at less cost to taxpayers. Yet our state, and in particular our county, is unwilling to pay for the more effective approach.

Our governor, our legislators, our state agencies, our local government, our elected officials, our judges are responsible for carrying out the Nebraska statute that reads: "To assure the rights of all juveniles to care and protection and a stable living environment and to development of their capacities for a healthy personality, physical well-being, and useful citizenship and to protect the public interest." (Nebraska Revised Statutes 43-246 (1)).

Taxpayers should be outraged at the abysmal waste of their hard earned dollars on an outdated youth service system that neither meets the needs of the youth nor serves the public interest.

Because our officials have historically failed to pay for effective services for children, our state now will place an $85 million prison-expansion burden upon the taxpayers. Our prisons are bulging at the seams with all the boys now grown up. We refused to pay for them when they were children, so now we must face the consequences of paying for them as adults.

"Ain't it awful?" Yes, it is. And it is time to do something about it.

DID YOU KNOW THAT...

* Federal law protects abused and neglected children from being locked in confinement with lawbreakers, but Nebraska law does not?

* Nebraska has the 5th highest rate in the nation for the incarceration of status offenders?

* Runaways are the most likely status offenders to be held in jail or secure juvenile detention, yet they are the least likely to receive services upon release?

* Adolescents are 10 times more likely to be victims of crime than the elderly?

* The Kearney Youth Development Center, which is supposed to be the "last resort" for juvenile court, is the first dispositional placement for up to one-third of the boys committed there?

* 80% of the boys committed to Kearney YDC are former foster children?

* Adolescents are locked in Douglas County's Courthouse Jail for up to one year, during which time they have no physical exercise and few rehabilitative services.

* In Nebraska, juvenile court judges, probation officers, police officers, sheriffs, are required to have minimal or no training in adolescent development, child abuse, or working with troubled youth?

* Young persons who are labelled "delinquent" do not have access to state-funded social services designed to prevent further delinquent behavior?

* Nebraska has statewide adult jail standards, but has no minimum standards for juvenile detention centers?

"For years, children have appeared before our juvenile court and been told that they will receive treatment when in reality they have received only punitive custodial services. If we hope to teach children to respect our legal system, we must show these children that the system is just. Our present system is not."
Susan Levitan, President, Maryland Advocates for Children And Youth

The passionate belief in the superior worthwhileness of our children... It is stored up in us as a great battery charged by the accumulated instincts of uncounted generations. — *Ruth Benedict, American anthropologist*

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Chairman MARTINEZ. Thank you, Ms. Adair.

I have to be very careful here. It surprises me, the number of items you've stated that there were no laws. The Federal mandate especially intended to make sure that youths would be incarcerated in a safe way.

Ms. ADAIR. Yes.

Chairman MARTINEZ. A big thrust of the original Act was to deinstitutionalize young people and especially to get them out of adult lockups.

The reason I want to be very careful here is because Mr. Barrett, my colleague, was Speaker of the House here in the State, and so my question actually would be more properly addressed to him. How is it that none of your State laws cover the things that most States do have laws to cover?

Mr. BARRETT. I cannot give you a good answer, Mr. Chairman. 447—is that the current bill that is under consideration?

Ms. ADAIR. That would separate the agencies, yes.

Mr. BARRETT. Put them into the Corrections—get them out of Corrections.

Ms. ADAIR. Yes. Right now, the Corrections Department, a piece of that is Juvenile Corrections, it's a division of Juvenile Corrections.

Mr. BARRETT. Yes.

Ms. ADAIR. And we're hoping to separate that, too, because one of the problems, of course, is the adult correction is always overcrowded, always in crisis, and so they can't provide funding for the kids in juvenile corrections, and so—and the philosophies are entirely different as well.

The other piece of legislation is L.B. 1046. That's the detention piece that would provide for implementation of State standards for detention facilities. We do have standards, but we do not have authorization to implement them.

Mr. BARRETT. If I might ask a question, what is the current status right now? I'm obviously very far removed from it now. What's the status of the bill?

Ms. ADAIR. L.B. 447, I believe, is at final reading, and L.B. 1046, I think, is on select file.

Mr. BARRETT. Okay.

Ms. ADAIR. L.B. 447 is a priority bill. We're hopeful that that might pass, L.B. 1046 is, also.

Mr. BARRETT. They are both priorities? Good. They will probably, then, pass this session.

Chairman MARTINEZ. You know, there are two things in your testimony that strike me. One is that, somehow or another, in even some statistics we saw this morning, national statistics, in particular averages across the Nation, child abuse, sexual abuse percentages are higher here than they are nationwide.

I know the funding formulas generally go by population of juveniles in the State. Somehow, there needs to be a formula established—I'm not exactly sure how we would do it—to target to the greatest need, because there might be a greater need here than there is in a more populated State.

Are there discretionary programs here in Nebraska

Father PETER. Yes. Most of the money goes to the State formula grants; there's about $20 million in there that's discretionary.

Chairman MARTINEZ. Well, you know, in 1978 we had $100 million for JJDPA. Today, we only have $76 million. There have been higher priorities determined by Congress for moneys, I guess.

I think it's incumbent on both of us, myself, being a Democrat, and Mr. Barrett, being a Republican, for him to work on the administration on that side to get more funding for this Act, to work on the Democratic side to get it more funding, because it's obvious that there's more funding needed.

As you said, Father Peter, you've got to put all three elements together. If you don't, we're not going anywhere. It's obvious from what I've seen here that many of the programs here in the State are run by community-based organizations. I think you can almost say that Boys Town is a community-based organization. The extensions that you provide, like the one we visited this morning, are community based organizations. They are in the community right there.

The other thing that you mentioned is that you don't get any foundation or corporation help. You know, I think big business has an obligation and a responsibility, and there has to be something in the bill that says, "We'll give so much money if they'll give so much money" to encourage them to contribute and to somehow provide incentive for them to match public funds.

Often, Federal laws mandate something to a State and State funding is contingent on the State complying with the mandate. In this particular case, that doesn't seem to have been a factor.

Ms. ADAIR. Yes. And I don't work for the Crime Commission and Jean has just been on there a very short time, and she might not be able to answer even how it has occurred.

I agree with you, I think it's dangerous to say, "Okay. You haven't done what we want, folks, and so we're going to stop the funds." We desperately need the money, obviously. We desperately need that money. We have a long way to go and we need a lot of help. Without that help, we're simply going to go back to where we were before.

As I say, we have made some progress, but it is very slow. This is a very conservative State, and our State motto is "the good life." Because of that, I think we try to deny a lot of things that are going on in the State and gloss over the sexual abuse, the runaways and the problems that we're suffering. We don't want to say that we're not the good life for everybody. But we desperately do need the funding.

Chairman MARTINEZ. I agree. Let met explain something. I am adamantly opposed to that concept of withholding funds even if the States have proven that they are unable to comply. I do believe in home rule and States' rights. But the thing is, too, that there are ways to encourage States to comply. There are a lot of reasons why States won't do it. Maybe they don't have the funding.

In a lot of cases, some States are very depressed and they don't have reasonable budgets where they can afford to do these things. I think it's incumbent on the Federal Government to step in and help them in those areas.

Ms. VANCE. May I say something?

Chairman MARTINEZ. Yes.

Ms. VANCE. I think some of the problems I experienced when they were trying to make the transition is that there are no other services in rural Nebraska for kids. I had a shelter facility, and we lost some of our group homes. Foster homes are not that easy to find anymore, either.

But what happened in Scottsbluff, in trying to deinstitutionalize to catch up with some of the things, is that the sheriff announced that they were no longer holding juveniles in the adult facility. They closed the door without making any alternative plans of what they were going to do and how they were going to work with what was in the community.

So what began happening was at the shelter, instead of servicing basically runaway homeless youth, everybody was inundating us with delinquent kids, probation kids, kids that maybe should have been locked up instead of in our facility.

We became a program caught between social services and law enforcement during the struggle to figure out something.

I mean, you know, he just made this announcement. Well, if you made the announcement in your community that you were locking all adult facilities and they would be no more, can you guess the chaos that you would have with the adult population? Well, the same thing was happening with kids.

For a period of 6, 8 months, it was really chaotic because there were no other places to keep the kids and nothing to set in place to handle those. So to the kids, it gave them a license to go out and do whatever they wanted to. They knew law enforcement couldn't do anything, we couldn't do anything, and social services was powerless, too, in their eyes. So when they got picked up, you know, they went to court and then straight to Geneva or Kearney regardless of what the situation was.

So I think one of the things that created a lot of problems for Nebraska was that there was not money for alternatives to be able to deinstitutionalize the kids fast enough to meet some of the requirements. That's because there was no money.

Chairman MARTINEZ. Father?

Father PETER. Way back in 1974 when this Act was first passed and signed, "deinstitutionalization" was the word of the hour. If you study long periods of time when new ideas—and it is a good idea, but when new ideas are implemented, what usually happens is what happened in this instance.

They took a great idea, deinstitutionalization, but didn't plan for the kids after deinstitutionalization. There wasn't really anything there, and so you took a good idea and crashed it.

But you saw the same thing with mental health, didn't you? You deinstitutionalized the elderly who were mentally ill; they ended up as the bag ladies on our streets.

I do think, and I think, Peggy, you would agree with me, when you deinstitutionalize, you can't just say, "We'll let them out and that's all there is to it." There has to be further ways in which those kids can be helped.

What happens, and you mentioned it quite well, is a State bureaucrat will then say to a shelter, "Well, you're getting our money; you'll take who we tell you to take."

Chairman MARTINEZ. Yes.

Father PETER. And see, that destroys the system.

Let me give you one more example that is commonplace. We see it across the whole United States. After deinstitutionalization, it is commonplace when you are a border community, whether Omaha, Covington, Kentucky, Cincinnati, or wherever it might be, for the police to simply escort the adolescent to the bridge and say, "See ya. Go into the next State."

Chairman MARTINEZ. No, that's not the way to deal with the problem.

Father PETER. That's commonplace. Commonplace.

Chairman MARTINEZ. You know, one of the things that I find is that if you've got a large advocacy group behind something, Congress will usually do something about it. We have seen a growing number of advocacy groups for youth because young people are facing increasing numbers of problems. Many communities and civil servants are now saying to the Federal Government, "Hey, we need help because we don't have the resources."

The original reason the bill was passed was because we recognized they didn't have the resources. What we haven't recognized is that we haven't provided those resources, and we're saying it, but we still have not done it.

Nebraska, for example—I think you get the minimum grant possible. It might be that we need to do something so that States like Nebraska are eligible for more money. If a State is working towards accomplishing the goals of the Act, we should provide them dollars in support of those goals.

Father PETER. Let met just give you three examples that I think are positive. If you're going to do deinstitutionalization, then I really think, I hope, I pray, that the Act will say, "Hey, we really have to say there are moneys available for in-home services, there are moneys available for parent training, in-home services." We go into the homes before they fall apart, or we go into the homes when they are falling apart. That's kind of a treatment thing that is both preventive and also helps the kids themselves to learn. If they've been in a shelter, I think we have to do in-home services. I certainly think we have to do parent training.

Thirdly, if you can, someway or another tie some of this money into outcome effective programs. What kind of outcome do you have in your programs? I mean, let me just give you one little example of what I'm talking about: outcome effective programs. Do you really help these kids? And I'll give you an example.

Some States count returning the kid to the home as an automatic success, all right? And that's what I call a systems outcome. The system is happy that that kid is back in his house.

Chairman MARTINEZ. But also back in the same problem situation.

Father PETER. Yes. That's what I'm saying, Congressman. How would you like to have been pushed back in and they said they counted the Congressman as a success? Do you know what I'm saying, Peggy?

That doesn't necessarily count as a success. They have to count individual outcomes. Did this kid get better when he went home or

did you just send him back into the same old mess he was in before?

Ms. ADAIR. Well, one of the things that bothers me about the runaway homeless piece of the JJDP Act is that whenever Federal funds are provided to these homeless runaway shelters, the role of the shelter has to be reunification with the parent. That's part of the Act; they have to work to reunify this family even though study after study has shown that between 65 and 85 percent of the kids in these shelters have been sexually or physically abused in their homes. What we're doing is forcing the kids back to their abuser, and that is one piece of this Act that really bothers me.

One of the stated purposes of the Act is to provide preventive and treatment programs and provide a good comprehensive juvenile justice system. I certainly think the funding needs to be made available to do that, to carry it out.

Ms. VANCE. Well, for some of the kids, it is possible for family reunification.

Father PETER. Oh, for a lot of kids.

Ms. VANCE. But there is a lack of parental involvement because the parent sees the kid as the problem instead of taking some responsibility for their part in it.

In my parenting classes, most of which have been court-ordered because of abuse, neglect, et cetera, the parents, for the first two classes, come in really negative about being there and being forced to come to the classes. But by the end of the class, they want more information and want to be able to do better parenting.

I feel that maybe that's the way to go, to mandate from courts that parents who have troubled kids be involved in counseling and parenting education to help change their parent system; otherwise, the kids go back to the home and the parents have done nothing to change.

Father PETER. The purpose of this legislation, in my mind, has to be that in the end. I, as a young boy who was thrown out of my home, have learned new skills to deal with my life. My mom or my dad, or whoever it is, has learned new skills; they will not continue the abuse or whatever it is.

The purpose of the Act, I think, is teaching in that powerful sense of the term. If we can do that——

Chairman MARTINEZ. There are two things that have been been reaffirmed for me in these hearings: somehow, we have to make sure that moneys that we put out there hinge on some kind of parent responsibility. In some places and in some cases, people have passed laws that say, "Hey, if a kid destroys something or vandalizes something, the parents are responsible and they have to pay." Boy, that makes those parents shape up and find out what that kid is doing.

If you carry that same principle out to a greater extent, then you require that, if the kids have problems in that home and are running away, the parent be involved because that parent is a part of the problem, and therefore needs to be part of the solution. We have to provide some kind of a system where we—I hate to use the word "force," but almost force the parents to get involved in those classes whether they like it or not, because once they do, I think they'll discover they needed it.

Father PETER. Court mandated.

Chairman MARTINEZ. Court mandated.

Father PETER. You bet.

Chairman MARTINEZ. The other thing is that I really feel we need to do something to make sure the money gets to the places in the greatest need. I really do. Don't you feel that?

Father PETER. Yes.

Mr. BARRETT. And that creates another problem, maybe.

Ms. VANCE. I find, too, that sometimes when they do per population—I've worked with Head Start for many years and some of their grants would come divvied out based on population rather than services.

But when you look at rural Nebraska, maybe the population is less, but it also costs us more to provide services because of the distance to and from the smaller community.

I know you are probably not that aware of Nebraska, but in the panhandle area where our shelter is, about one-fourth of the kids whom we serve are Native American and one-fourth are Mexican American, and the others are Anglo. Once in a while, we have a black youth or an Asian youth.

So we do have a Native American population, and they have some really strong needs. But it's really hard to provide those services because you don't have the money, and it costs to run vehicles and staff time to all these little communities to provide some of those services. In the bigger towns, it's closer and, yes, you do have more population. But nevertheless, the need and the expense is about the same, as I see it.

Chairman MARTINEZ. Yes. We need to use the money in the best way.

Mr. Barrett?

Mr. BARRETT. Thank you, Mr. Chairman.

Ruth, you've just, I guess, touched on something that has been of concern to me, and that is the distances that you have to travel, and you mentioned the expense involved and, of course, the Native Americans, which are a problem in your area although to a lesser extent in other places.

What about the possibility of mobile services to some of our outlying, more remote districts? Has this ever occurred to anyone, taking some of these services in a van, a mobile service of some kind? Is this an idea that should be explored, or is this something that people would be afraid of being stigmatized by going to the van? Just give me an off-the-top-of-your-head reaction.

Ms. VANCE. Well, I think it would be very possible, and I don't see it being too difficult to bring on. But you also need the staff to be able to do it and you need finances for the van, because a lot of the smaller areas are serviced by satellite centers. Mental health centers, for example, might have two or three satellite programs.

But sometimes the people are not always helped, are not always ready to go for the help there, because they get to know only the one person, who maybe is not family and youth oriented, may be more treatment and preventive oriented.

But I do see that it would be of some value to have extra funding to be able to do that because it is difficult to drive 100 miles or 180 miles to provide services to these little communities. You're going

to be gone from six in the morning until 12 at night just trying to get back, to go again. So yes, that would be of help. And it would work. They are trying a rural health grant out in our area by using a mobile van as a way of providing health services.

Mr. BARRETT. There is a rather, I think, dramatic lack of transitional living in rural areas. You identified one and, of course, we have one here.

What's the average length of time out there for your people?

Ms. VANCE. On the transitional living program?

Mr. BARRETT. Yes.

Ms. VANCE. Right now, we're averaging about 8 months.

Mr. BARRETT. About eight.

Ms. VANCE. And we can go up to 3 years in helping these youth.

And transitional living youth, for those who aren't aware, are homeless youth. We've seen about 115 homeless youth that have not been to the doctor in the last year. We have 15 of them that we work with on full-service programs, some kind of moderate. They come and go to some of our classes; and others just kind of touch base once in a while when they may have a need.

But you have to understand that when kids get to the point of homelessness, they, too, are at the end of their rope. They are not going to believe any agency person or adult because most of their experiences with us adults have been very negative and they have lost every time. So it takes a while for them to get the trust and things built up to start asking or even trusting that an adult is going to tell them the truth.

So we do service about 115 homeless kids in that program alone.

Mr. BARRETT. In your opinion, should there be more of this, these types of facilities across western Nebraska?

Ms. VANCE. I think there probably needs to be until we can get things turned around with parents and children to where they are not leaving home as much.

Otherwise, what happens in rural Nebraska is that when the kids are homeless, and they've been used to some luxuries in their home but now are kicked out of their home and struggling, they find an apartment and then go out into the farmlands to rob houses of all their furnishings to furnish their apartment in the same style that they had while they lived at home.

Mr. BARRETT. Is that right?

Ms. VANCE. And also, there are not a whole lot of jobs in Scottsbluff for adults, let alone youth. So, yes, that's true. It's sad, but they see that as one way of living in the same style as they were accustomed to.

Mr. BARRETT. Your average length of time, Father, is 14 days over here?

Father PETER. Yes. I think probably the most. For me, the bottom line of all of this is to strengthen the funding portion of the Juvenile Justice and Delinquency Prevention Act, if you can. But more than anything else, the bottom line for me is that hopefully Congress can come to the realization that the Nation needs a recommitment to our families. These folks are hurting. Those kids, you put them out on independent living, listen to what Ruth says. They haven't got any relatives.

Ms. VANCE. No connections.

Father PETER. There are no connections. I mean, you can give them whatever those things are; that's not going to solve their problem. They need to be reconnected or to be newly connected to somebody who cares and shares. The institutions in this country which reinforce family life need to be strengthened. Whatever these are, whether they are schools, whether they are churches, whatever they are, they need to be strengthened.

And I'm not talking about through this Act. I'm talking about through other things that you folks do, acts that you pass, whether it is financial aid to families or through deductions for kids. I don't know what those things are; you people know a lot better than I do. But we need to recommit ourselves to our families. This is one little piece of it, this Juvenile Justice Act, but I think there's a lot more than that.

Ms. VANCE. I think, too, maybe you ought to consider looking at some child development program specialists as a source of help in developing some of the programs. I see a real need, even with social workers. They do not understand good child development or matching kids with needs and making sure the services are provided to the youth based on their needs.

I think it would behoove us all to use some of the expertise of some of those people in making sure that we're providing and doing the right things for the youth.

Mr. BARRETT. An aside, I guess: How many of the kids in your system go on to get a high school diploma or a GED? Have you any idea?

Ms. VANCE. I don't have any idea.

Mr. BARRETT. Okay.

Ms. VANCE. This year, our stats for the kids that were attending school show only about half of the kids out of 267 were still in school. The others were working on obtaining GED's, but either dropped out or were kicked out of school for some reason.

Mr. BARRETT. Are there any numbers out here, Father, that you're aware of now at this early stage?

Father PETER. I can't say at all.

Mr. BARRETT. Okay. That was kind of an aside.

Ms. VANCE. One of the things I keep seeing is that parents don't try to encourage their kids to stay in school. If you're 16, that's fine, drop out. I really would like for somebody to look at the laws on Nebraska records of allowing kids to drop out at age 16.

I think that's an antiquated law. I think it was developed at the time when kids were needed to be home to help the family on the farm, when things were harder.

I think right now, it's used as a tool or a scapegoat to get kicked out of school or to allow kids to drop out of school. Most kids who are kicked out, suspended or drop out of school end up sleeping all day. At night, they are out carousing and getting into trouble.

Myself, I feel like it should be the age of maturity that they can drop out of school. But anyway——

Mr. BARRETT. Well, that leads me into perhaps something else here. You talk in your testimony here, your written testimony, about the few skills or lack of skills with which to earn a living. That's where I was trying to go with that question.

You go on to say that many of them are in need of mental health care due to life and family circumstances that put them at risk for substance abuse, early pregnancy, HIV infection, AIDS, et cetera, et cetera.

Ms. VANCE. Right.

Mr. BARRETT. This is, I think, the first time, at least that I am aware of, that we have touched on AIDS. What percentage—can you give me any kind of a percentage of the kids that you're involved with that be infected?

Ms. VANCE. I would say at least a fourth of the kids that we are involved with.

Mr. BARRETT. How many?

Ms. VANCE. At least a fourth of them.

Mr. BARRETT. A fourth?

Ms. VANCE. Yes, because they have at-risk behavior. They have sex with whoever, whenever. We have kids in our shelter who have been prostitutes. You'll see many of the kids out having sex for a place to stay, or living with an older guy and having sex.

Mr. BARRETT. How do you meet these needs in your facility? What can you do? How do you approach this? How do you handle it?

Ms. VANCE. When they come in, we do a health assessment and then take a history of what's been going on in their life. We refer them to family planning. Several of the kids have shown venereal diseases, which is VD and sometimes syphilis.

We have taken some kids for AIDS tests. Of course, we never know the results. But that is a concern with many of these youth.

Father PETER. That was the point I was making up here.

Ms. VANCE. Yes.

Father PETER. You have to teach kids. Those are all victimized behaviors and victimizing behaviors, that sexual acting up. That's all that is, on a grand scale. You have to teach them different behavior. They are destroying themselves and they are destroying other people. You have to teach them proactive and pro-social behavior. That's what we do, and it works.

They have to discover through the consequences of their behavior that this is better than the other. They have to discover that.

Ms. VANCE. All those problems, the anger, follow them into adulthood unless it's dealt with. Many times, it's not even dealt with.

Mr. BARRETT. I'm just a little bit surprised at that high percentage, I guess, of the younger people.

Ms. VANCE. For example, Scottsbluff County last year was number one in teenage pregnancy.

Mr. BARRETT. Number one.

Ms. VANCE. Yes.

Mr. BARRETT. Father, your outcome effective program sounds interesting, rather solid, kind of a logical idea.

Father PETER. It's kind of back to basics.

Mr. BARRETT. Specifically, how do you measure it? How would we measure it? How do you measure it, whether it's a success or not?

Father PETER. Okay. Here's how you measure successes. Number one, is the kid staying in school or is he going back to school? Number two, is he having any more connection with the law? In

other words, is he getting himself into further instances where he's interacting negatively with the law? Number three, are there any more instances of abuse or are there no more instances of abuse? To be honest, if you ask him after you've gone through all of this, he'll tell you. The fourth one is, is he engaging in stealing behavior, drugs, alcohol or any of those sorts of things.

Those are all outcomes. What I call the great scourges of adolescence, drugs, alcohol, suicide, sexual acting up, are enormous scourges. These are outcomes that you can measure. You can measure them simply and you can count them.

We work on, at Boys Town, what we call approximations. I try to get them to the point where they are becoming less aggressive. We have a boy right now who has gone for 30 days without having one school suspension, all right? When he came, he would have three office referrals every day. He's gone for 30 days without an office referral. Now, I'd say that's miraculous. Now, he isn't close to being what you'd call in the normal range, but I'd say, Mr. Congressman, that's going in the right direction. That's what I mean by outcomes.

Mr. BARRETT. Thank you. I think you indicated earlier that you do track them?

Father PETER. Oh, we sure do track them. We do. We're counters; we count everything.

Ms. ADAIR. One thing that Boys Town does that I think is very important is they ask the kids how they are doing, they ask the kids to evaluate the program.

In so many of these programs, we adults decide whether or not we think things are okay instead of asking the kids. The best judge of a meal is not the chef, it's the guest. You need to ask the kids how their lives are going, do they feel like things are working better, how is the outcome for them. I think that's very important, and that's one of the things that Boys Town does in their evaluation.

Mr. BARRETT. That's a good point. Thank you.

Father PETER. Thanks. I appreciate it.

Let me give you a little example. At the shelter you are at, you should be able to ask every one of those boys and girls who is there, "Do you know what your troubles are? Do you know what's wrong with you? And do you know what to do about it?" Because what if I don't even have a clue as to what's wrong with me or I don't know how to get better? How am I going to get better? You adults are going to be running around doing things that I don't understand, and I wonder why you're doing them. I really do have to know what's wrong with me. I do have to know how to get better, because if I don't, I just think I'm never going to make it.

For us, that's incredibly important, that the youth, the boy, the girl, say, "I want to get better and I have some idea as to how to do it now. I can't do it by myself. I need you to help me."

Mr. BARRETT. Thank you very much. Thank you, all three of you.

I think this has been exceptional testimony, Mr. Chairman. Thank you.

Chairman MARTINEZ. Absolutely. You know, we've only had short visits with people, but those people have obviously been helped. Several told me exactly what had been wrong and how they

were now different. One said, "I used to get mad at everything my parent told me. I don't get mad at everything my parent tells me now."

Father PETER. That's very good.

Chairman MARTINEZ. Yes. He said, "And it was more me than it was them." Now, that's doing something.

Father PETER. That's very good.

Chairman MARTINEZ. And so I understand what you're saying, because I have seen people who have changed and who understand now their problems. If you're going to get better about something, you've got to know what's causing you to have that problem.

Mr. Barrett has said it, as well as much as the testimony. And the people that we visited with and the places we have seen have proven it. The fact is that the law is lacking, and we are not enforcing things that were mandated in the Federal law. I understand there are a lot of reasons why, but we've got to create an incentive for people to carry out the mandate of the law. They do it in a much better way if they're doing it because they want to, because they see the need to.

So we'll work on those things from our angle, and then we'll continue to hope for your support from your side. What we need is a groundswell advocacy across the whole Nation on these things, and that'll help us get passed what we need to get passed. So thank you again.

Father PETER. Thank you very much, Congressman.

Ms. VANCE. Thank you.

Ms. ADAIR. Thanks.

Chairman MARTINEZ. Our next panel consists of Carolyn Stitt, who is Director of Foster Care Review Board, Lincoln, Nebraska. Ms. Stitt, you can continue any way you like.

STATEMENT OF CAROLYN STITT, DIRECTOR, FOSTER CARE REVIEW BOARD

Ms. STITT. Good morning, Chairman Martinez, Congressman Barrett. I certainly appreciate the opportunity to speak with you today.

I will be talking a little about what the Foster Care Review Board does, some of the issues that we see, and the links between the child abuse system and the juvenile justice system.

The Foster Care Review Board was formed in 1982 with very active backing by Congressman Barrett, then our State legislator. There were some very main concerns that still touch on juvenile justice regarding why we needed a Foster Care Review Board.

First, there were children in the system who did not have plans. We had no idea what we were going to do with them. Much of what Father Peter talked about today I think is essential to a solid case plan: What's happened with the child and what are we going to do about it?

Secondly, believe it or not, and unfortunately, in many States in the country, no one knew how many children were in out-of-home care in Nebraska. Therefore there was a tracking system created in this legislation to track children in all of our systems: public systems, private systems, or juvenile justice systems.

Also, court reviews had not taken place for some of these children for as long as 10 years. Without court reviews, many of the court mandated services that have been discussed with you today, and the importance of those services were never addressed.

Time and time again, we had children coming into our system badly abused, were placed back home, and came in again badly abused. There was no physical evidence of what those children suffered.

A group of foster parents, really working with the legislature, formed and sat down to look at how other States were addressing these issues. They came up with the Foster Care Review Board. Each one of these issues I talked about was addressed in the legislation.

But a very interesting component is that not only are there mandated plans for children in Nebraska, but there are citizen reviews of those plans, external citizen reviews. They are in no way related to the agency or to the court. They sit down and take a look at what is happening with this individual child.

In doing that, they also look at their area, problems and needs in their areas, and we have some boards who specialize in certain areas.

Our Hastings Board, for example, has been the board that's really focused on the problems with the YDCs, Youth Development Centers, which I will talk about in a minute.

The other piece of this advocacy, that I don't think any of us quite thought would happen to the extent that it's happened, is the individual case advocacy where the boards really try to identify what has broken down for children and communicate to each person in the system what needs to happen to improve the plight of this child.

Now, I think one of the things that needs to be made very clear to you is that in the child welfare system, no one takes responsibility. I'm sure many of you have seen the film "Who killed Adam Mann?" and that's supposedly being shown on the Hill. You know of horror cases in your own system, where you try to figure out what happened with the system. It's kind of a glob, where it's not quite clear who is supposed to do what.

One of the things our boards try to do is define the county attorney's role, the Department of Social Services' role, the judge's role, and push them on to what has and has not happened for the children.

We've been involved, as I said, in system advocacy. That's really how I became acquainted with Congressman Barrett. We have worked on a number of issues. Some of the very fundamental things we've had to do in Nebraska are to go back and educate the people in our system about things like child development; talk to our judges about what children could actually testify to, what could they be expected to say on the stand, so we could get some of these court-ordered issues that you talked about earlier.

We've also done training for the county attorneys for the guardians ad litem. We've worked hard in trying to get a special unit in the attorney general's office.

An enormous problem that we've identified in the system is the lack of active prosecution of child abuse cases by our local county attorneys. This happens for a number of reasons.

Many of those county attorneys are part-time county attorneys. When you talk about rural areas, the investigators may not have the components they need to move forward to investigate. They themselves may not know how to interview a child. Or if we have a county attorney who's very knowledgeable, we have an investigative piece that isn't. So we've worked to improve the prosecution of these child abuse cases.

Our system, as was talked about here before, is backwards. We actually had to mandate foster parent training. Now, you came face to face with our children, and I think that's one of the most important things you could have done, probably even more important than anything any of us can say today.

These kids bring enormous issues with them. You saw the skills that people have at Boys Town to work with these kids. There is not much difference, if any, between children who are in foster care, in group homes, and in our Youth Development Centers. You can't think of these systems as a system.

You know, when you talked about what Father Peter said, it's difficult to access a system in California. In many parts of our rural Nebraska, there is no system. The system is so erratic. Someone will call me and say, "This is the case scenario. What's going to happen?" And I say, "Who knows?" It depends on the judge, it depends on who investigates the case, it depends on the county attorney, and it depends on that particular office of the Department of Social Services.

So that's an issue, I think, that Congress has to grapple with. The systems that we talk about are really a fallacy. I invite you and your staff to attend the review board, to sit on review boards and look at these cases. Look at what happens to children, and see what rhyme or reason there happens to be for what they get or what they don't get in the system. I think that's critically important.

The other thing I think that we have to discuss is the link between foster care, or our child abuse system, and the juvenile justice system.

I think the people before me articulated it very clearly. There are children who exist in both of our systems. Right now, 17 of the girls who are in the Youth Development Center, that's over half, came from the child abuse system, all right? We also know, as Ms. Adair testified, between 80 and 90 percent of those girls have been victims of sexual abuse.

I have worked on individual cases with judges in rural Nebraska where they cannot access a safe placement for girls. The girls run out the back door of their homes and are placed in the Youth Development Centers. This happens in some of the cases because there are not facilities in rural Nebraska to treat these youth.

I think when you look at some of the problems that we have in our juvenile justice system, you have to grapple with the larger child welfare system and what youths and families do not receive in that child abuse system.

I have a list of concerns that the boards who review these cases asked me to bring to you today. I'll run through these quickly; they are on page six of my prepared testimony. First is the inappropriate placements at the Youth Development Centers. This occurs because of the lack of appropriate facilities in the State for abused and neglected children.

I brought for you today our total list of the State of facilities for youth in out-of-home care. This is not just delinquent youth. I think what you're going to see here is an amazing deficit. This is from Kearney, just a little bit west of where we are, all the way across the State. A few of these places may actually take delinquent kids, but most of them do not.

This is, in a nutshell, what we talk about when we talk about our system. In the panhandle area alone, there are over 300 youth. This is what we have in terms of group homes or detention centers, to give you an idea of the problem we have. We're losing monthly more foster parents than we can recruit. Part of that is because of the lack of support they're receiving, the lack of a clear indication of what their role is, the lack of someone to answer their phone calls. That's what I'm talking about when I talk about lack of support. This is an enormous problem in our State.

Another concern we have is the type of counseling that's used in the Youth Development Centers. Currently, positive peer culture is used at both Youth Development Centers. This is a technique that uses group dynamics to influence the behavior of the individual. The behavior of the individual is discussed by the group and the group determines the punishment for misbehaving.

We're very concerned about this type of counseling because there are low-functioning youth that we have sat in on who seem bewildered by the whole process. Secondly, for sexually abused youth, this is not the kind of environment in which they can bring up the kind of powerlessness, the guilt and the fear that they have. They themselves may not even understand it.

One of the groups that I personally sat in on functioned very well. One was quite hostile to the youth who had been abused and tried to make the youth take responsibility for what happened. It's a concern we have.

The third area that we have concerns about is the other services that are needed at the Geneva YDC. We see a fairly high number of pregnant teenagers.

Now, I agree with what Father Peter was saying about birth control. Our problems go back beyond just this component. But for now, these kids are not getting the prenatal care, ongoing adoption relinquishment counseling and parenting classes, that we believe they need.

The facilities who have these youth should have these services built in. They shouldn't have to go borrow, beg and steal to have Lutheran Family Services come in every other week when they have a person available, if they have a person available. This is a critical issue.

Next: Interim and post services are needed for juvenile offenders and their families. Many of these youth are from very troubled families. As we talked about today, we need services for those families.

An issue that we are seeing, and I've been around about 10 years now, is the kids that were first coming into the system that were early teens are now having their own kids who repeat the cycle.

You know, I think that's one of the fundamental issues around intervention if you talk about cost savings. What is it costing the State of Nebraska to have 5,000 kids that are so troubled they can't live with their families? What is that costing our school systems? What is that costing our correctional systems? We just keep growing.

Then there are transitional foster and group homes. This map shows clearly the lack of those services. We're in dialogue right now with the Department of Corrections, asking that this be put in their plan. They are planning to do that, and the Foster Care Review Board intends on supporting them.

The Youth Development Centers need to be providing services to our youth, and I think Congressman Barrett was trying to get at this very appropriately, to help them learn skills to become functional members of our society.

Many of these kids are leaving our system, the child welfare system, the juvenile justice system, functioning at about a 12-, 13-, 14-year-old level. They don't have a clue and they don't have a support system. It's the support system that helped all of us get here today: functioning the way we function, getting through college, creating our first resumes, taking our drivers' test. These kids don't have that. As a result, we believe there is a direct correlation. In fact, we did a study on this.

In 1984, the Foster Care Review Board looked at the people who were incarcerated and determined how many of them actually came from the system. Fifty-nine percent of the males and 40 percent of the females had spent 3 or more years in court-ordered out-of-home placements. Legal offenders also reported multiple moves, ranging from one to 15 moves among the males and one to four moves among the females.

That sort of goes to the heart of the problems that our boards see over and over. Because a separate agency tracks children in out-of-home care, we're able to report that 20 percent of the kids—20 percent—have had six or more placements. We have 1,300 children who have been in our system 2 years or longer. Because of this data, we have been able to move some of these agendas in our legislature.

Certainly, the juvenile justice area is a tough area. You know, the only remark that I would add, I guess, to Peggy Adair, is that there's much more empathy and sympathy for abused and neglected kids than delinquent kids.

It's very hard for people to see the connection between abuse and neglect and some of that obnoxious behavior. I think we need to have Father Peter give more of his speeches around our States so people see that correlation.

We see our girls as tramps and our boys as hoods. That's the way we like to categorize them. Our solution is locking them up, throwing away the key and getting them out of those local communities.

Somehow, I think with your guidance, we need to turn that around a little bit and we need to understand where these kids are coming from. We need to understand how our systems do and don't function.

That's my testimony. Thank you very much.

[The prepared statement of Carolyn Stitt follows:]

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Testimony -Carol Stitt
Executive Director - Foster Care Review Board
Committee on Education and Labor
Subcommittee on Human Resources
March 30, 1992 - Grand Island, NE

THE FOSTER CARE REVIEW BOARD

The Foster Care Review Act

The Nebraska Foster Care Review Act (L.B. 714) was passed by the Nebraska State Legislature in 1982. The Act was passed in response to P.L. 96-272, Federal legislation which mandated the development of permanency planning and periodic review of children in foster care, and other problems in the Nebraska foster care system. Actively supported and lobbied by the Nebraska Foster and Adoptive Parents Association and other child advocates, the Act established the State Foster Care Review Board and mandated periodic court reviews of children in foster care.

The Foster Care Review Board is an independent state agency not directly affiliated with the Court or the Department of Social Services. The agency consists of a State Board which oversees the agency, staff who facilitate local Foster Care Review Boards in communities across the State, and a tracking system that tracks all children in out-of-home care.

The State Board

The State Foster Care Review Board is responsible for governing the agency and setting policy. The State Board consists of nine members selected by the Governor and approved by the Legislature. Two members are chosen from each of the three Congressional Districts. These members serve three-year terms and are selected on a staggered basis. Three additional Board members are appointed from the Local Review Board chairpersons, one from each Congressional District. These members serve two-year terms.

The responsibilities of the State Board include: the creation and revision of Rules & Regulations and Policies & Procedures; oversight of the budget, expenses, and agency requests, the selection, training, and supervision of Local Foster Care Review Boards; developing and maintaining a tracking system of all children in out-of-home care; and general oversight of the agency. State Board members also make policy decisions and approve Annual Report recommendations.

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The State Board meets approximately every other month, usually in Lincoln. Meetings are open to the public.

The Local Foster Care Review Boards

The local Foster Care Review Boards are composed of citizens from the community who have completed required training and who volunteer their time each month to serve on the boards. The boards are responsible for reviewing cases of children placed in out-of-home care. Specifically, they are required to ascertain whether the children have a permanency plan and make advisory recommendations to the Court and the agency having custody of the child.

Local boards are located in Omaha, Bellevue, Lincoln, Tecumseh, Columbus, Norfolk, Fremont, Grand Island, Hastings, Kearney, North Platte, Scottsbluff, and Chadron. Because of the number of children in out-of-home care in the community, there are 12 Local Boards in Omaha and four in Lincoln. During 1990, four additional Local Boards were activeted, bringing the total to 26.

Each Local Board consists of five or more community volunteers who meet monthly to review cases of children who have been placed in out-of-home care. The reviews focus on the child's permanency plan, the services being provided to the child and/or family, and timelines for accomplishment of the plan. The 1990 Legislature increased the Review Board's responsibilities to include determining if the child's placement is appropriate and if there is a continued need for the out-of-home placement.

Prior to 1990, a child must have been in out-of-home care 6 months or longer in order to receive a review by the Foster Care Review Board. In 1990, the Foster Care Review Act was amended to remove that limitation. As a result, 4 Local Boards, located in Omaha (2 boards), Lincoln (1 board) and Fremont (1 board), were developed to focus on early reviews.

Once the Board begins reviewing a child's case, every attempt is made to continue approximately every six months until the child leaves care. The Board also attempts to review brothers and sisters together.

Recommendations are sent to the court that placed the child in care, the child's guardian ad litem (attorney), the agency responsible for the child, and the county attorney. When applicable, recommendations are also sent to the Tribal Court, the child's parole officer, the probation officer and/or the parents' attorney.

In order to provide maximum input on a child's case, an attempt is made to select board members from a variety of different occupations and viewpoints. A typical board might include an educator, a medical professional, an attorney, a mental health person, and a foster parent. Each board meets monthly for approximately 3-4 hours.

Three training sessions are required before a person can be placed on a Local Board. The training includes (a) the history and role of the Foster Care Review Board, (b) information on the need for permanency planning, (c) the importance of bonding and attachment, (d) the effect of separation and loss on children at various ages, (e) how a child enters the legal system, (f) the roles of the judge, county attorney, guardian ad litem, child-caring agency, and foster parent, (g) reviewing a case and comparing the review conducted by the new board with the recommendation of an existing board, (h) the importance of confidentiality, and (i) observation of a Local Board meeting.

During 1990, the Review Board received funding to send notices of board meetings to interested parties. Procedures were developed to receive input on children's cases through questionnaires and/or party participation. Local Board members were trained in conducting reviews with interested parties in attendance during late 1990 and early 1991.

During 1991, 1,642 children were reviewed by the local Foster Care Review Boards.

The Tracking System

The Foster Care Review Board maintains a computerized tracking system in its main office in Lincoln. Since it began tracking children in 1983, over 25,000 children have been reported to the tracking system.

Nebraska's tracking system is the only tracking system in the country that tracks all children placed in out-of-home care. The Nebraska Foster Care Review Board receives reports from the Juvenile and County Courts, the Department of Social Services, the Department of Corrections, the Department of Public Institutions, and private agencies throughout the State. Nebraska remains the only state that can give a comprehensive picture of the status of all children in out-of-home care.

Up to 82 pieces of information are kept on children once they come into out-of-home care. An additional 93 pieces of data is added once the child has been reviewed by the Review Board. Information on the Review Board's tracking system includes why and when the child entered care, court dates and results, sibling information, adoption data, and barriers to the permanency plan. Information on the children is continually updated as changes occur.

According to the Foster Care Review Act, all courts, child-caring agencies, and child-placing agencies are to report whenever a child enters foster care. Later, additional information on the child must be reported, including the reason the child entered care, dates of court hearings, and the child's permanency plan. The Board is also notified when the child leaves the foster care system.

When the Foster Care Review Board reviews a child's case, information from the review is also entered into the tracking system. Findings are made regarding the following:

a. If there is a permanency plan with services, timeframes, and tasks.
b. If services are in motion.
c. If people responsible for tasks have been identified.
d. If timeframes have been established to accomplish the services.
e. If visitation is occurring.
f. If the Board feels there is a continued need for out-of-home placement.
g. If the current placement is appropriate.
h. If the Board agrees with the plan.

Additional information reported to the tracking system includes the number of placements the child has experienced, the percent of life the child has spent in out-of-home care, court dates, the number of caseworkers, types of services being offered to the child and family, and adoption information.

As of December 31, 1991, over 29,000 children had been reported to the tracking system. 5,057 children were active on that date.

Data from the tracking system is published annually, along with recommendations for improvement of the child welfare system, in the Foster Care Review Board's Annual Report. A 1990 Annual Report is included as part of this testimony.

The Early Review Project

In 1990, LB 1222 was passed which expanded the duties of the Foster Care Review Board. In addition to providing limited legal standing to the Review Board which will be discussed later, this law allowed the Boards to review cases immediately after a child has been removed from the home rather than after 6 months. It expanded the Board's access to information which permitted and funded participant reviews rather than paper reviews. Finally the law mandated that the Boards make a finding on both the appropriateness of the child's current placement as well as the continued need for placement.

Nebraska was one of five states selected in 1990 to participate in a nationwide Early Review Project, sponsored by the National Association of Foster Care Reviewers and funded through the Edna McConnell Clark Foundation. Omaha, Lincoln, and Fremont were selected as pilot sites.

Early Review Task Forces were formed in each pilot community. A Juvenile or County Court judge served on each Task Force along with representatives from the Department of Social Services and the County Attorney's office. Attorneys who serve as guardians ad litem for foster children and attorneys who represent parents were also on the Task Forces, as were others who have specific interests in children and children's issues.

The Task Forces were responsible for developing case selection criteria, submitting names of potential recruits to serve on the Early Review Boards, and for developing a reasonable efforts criteria to be used during the reviews. Rather than focusing on a permanency plan, the Early Review Boards focus on reasonable efforts before and since removal, services in motion, and visitation.

Three Early Review Boards were established in Omaha, one in Lincoln, and one in Fremont. Board members completed two full days of training in August, 1990 followed by additional training in October and November. The Omaha and Fremont boards began conducting reviews in November; the Lincoln board began in December.

Using the training established for the Early Review Boards, the existing Local Review Boards received training on conducting early reviews and reviews with participants attending. All boards currently invite participants to attend for at least two of the seven reviews conducted at the meeting.

Legal Standing

L.B. 1222 was passed by the 1990 Legislature and granted the Review Board legal standing. This allowed the Board's recommendations to be admissible in Juvenile Court proceedings.

During 1990, the State Board developed Rules and Regulations governing how and when legal actions should be considered. A public hearing was held and the revised Rules and Regulations were submitted for approval.

The Local Boards identify problem cases which might be eligible for legal actions and bring these cases to the attention of the State Board. The identified cases are then submitted to the Executive Board of the State Board for review. In most cases, a Local Board review including participation by interested parties is held, followed by a mediation session with representatives from the agency responsible for the child and/or the county attorney's office. This process has proven very successful in moving the cases in the appropriate direction.

Since legal standing was authorized, the local boards have referred 69 cases to the State Board for consideration. The Review Board has retained attorneys to represent the Board in 14 of these cases. The majority of the remaining cases were resolved without retaining attorneys.

Court Reviews

The Foster Care Review Act requires courts to review the case of a child placed in foster care after the child has been in care for a year. Subsequent reviews must be held every six months thereafter until the child leaves care.

Not all children in foster care have court involvement. Many children voluntarily placed in care by their parent(s) and some children who are free for adoption are in this category. Many of these children have been placed with private agencies.

Volunteer Hours

The Foster Care Review Board in Nebraska exists due to the time and efforts of its volunteers. **State and Local Board members are unpaid volunteers.** State Board members may receive reimbursement for mileage. Local Board members, many of whom drive up to 60 miles (one way) to attend meetings, do not receive any compensation.

In addition to attending their regular meetings, State and Local Foster Care Review Board members attend initial and ongoing training sessions, tour foster care facilities including group homes and institutions, increase their knowledge at seminars and conferences, visit with Legislators, and volunteer in the Review Board's office.

The National Association of Foster Care Reviewers

Nebraska is a member of the National Association of Foster Care Reviewers (NAFCR). The NAFCR was established in 1985 to promote permanent families for children by assuring that every child in foster care receives independent, timely, and quality external citizen review.

Carol Stitt, Executive Director of Nebraska's Foster Care Review Board, is a past president of the National Association.

The National Association is currently involved in an Early Review grant project sponsored by the Edna McConnell Clark Foundation. This project has been put in place to review children's cases as soon as possible after they come into care to determine if reasonable efforts were made to keep the child from coming into care and to assess the services being provided by the family to have the child returned home. Nebraska was

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selected to join California, Kansas, Michigan, and Florida in pilot Early Review projects for 1990.

The National Association hosts an annual conference to assist states in developing Foster Care Review Boards, to educate judges and agency personnel on the value of external citizen review, and to help reviewers increase their knowledge of child welfare issues. Carol Stitt has served on the training committees for the past five conferences and has trained volunteers for Early Review Projects in Kansas, Washington, Florida, and Alaska.

Additional Review Board Activities

In addition to advocating for children on an individual basis, the Foster Care Review Board has worked actively for systemic improvements in the child welfare system through educational and legislative activities.

As a member of the Permanency Planning Task Force, Executive Director Carol Stitt has served as program chair for guardian ad litem training throughout the state. This training has included workshops on permanency planning, bonding and attachment, and child sexual abuse. Ms. Stitt has also been active in bringing training to county attorneys, county and district court judges, and state senators. A listing of the Foster Care Review Board's training history is attached.

As a representative of the State Board, Ms. Stitt lobbies and testifies for legislation affecting children and the foster care system. The Review Board was instrumental in the passage of bills to obtain funding for additional caseworkers, required training for foster parents, a special unit in the Attorney General's office to prosecute child abuse cases, and training for county attorneys. In the 1992 session, the Review Board is supporting legislation to begin addressing problems in the Youth Development Centers (LB 447), to have county attorneys review cases of children who have been in care 18 months or longer to determine if termination of parental rights is appropriate (LB 1062), and to create and provide training for child abuse investigation and treatment teams (LB 1184). The Board is also supporting pending legislation to provide for an open adoption contract enforceable by law if all parties agree and to consider a statewide district attorney system.

Juvenile Justice Concerns

The Foster Care Review Board reviews youth at the Kearney Youth Development Center (boys' facility), the Geneva Youth Development Center (girls' facility), and Juvenile Parole. Based on the reviews, the Review Board has the following juvenile justice concerns:

1. Inappropriate placements at the Youth Development Centers occur because of the lack of appropriate facilities in the state for abused and neglected children. A listing of facilities in Nebraska by county and type is attached.

2. Positive peer culture is used at both Youth Development Centers. This is a technique that uses group dynamics to influence the behavior of the individual. The behavior of the individual is discussed by the group and the group determines the punishment for misbehaving. The Board feels that positive peer culture is inappropriate for low functioning youth. Many of these youth are learning disabled. These groups also do not have the background and knowledge to address sexual abuse or drug and alcohol abuse issues.

3. Services are needed at the Geneva YDC for pregnant teens. This should include pre-natal care, adoption/relinquishment counseling, and parenting classes.

4. Interim and post services are needed for juvenile offenders and their families. Many of these youth are from dysfunctional families. Services for the family should be court-ordered. Family visitation needs to be encourange and supported.

5. Transitional foster and group omes and aftercare services should be established to assist troubled youth in their return to the home and community.

6. The YDCs need to be providing services to youth to help them learn skills to become functional members of our society.

FCRB Training History

For Guardians ad Litem - through the Permanency Planning Task Force Training Committee

8/16/85 Guardian ad Litem Training (repeated at several locations)
- Bonding and Attachment - Dr. Ann Coyne
- Separation and Loss - Dr. Ann Coyne
- Adoption Assistance and Child Welfare Act - Linda Lewis

11/14/86 Guardian ad Litem Training
- Bonding and Attatchment - Dr. Ann Coyne
- Adoption Assistance & Child Welfare Act - Judge Gerald Rouse
- The Role of the Guardian ad Litem - Pamela Govier
- Services for Developmentally Disabled Children - Eric Evans
- Preparation of Cases - Urban - Roger Lott
- Preparation of Cases - Rural - Thomas Sonntag
- Preparation of a Child for Court - Regina Makaitis

7/8/88 Guardian ad Litem Training
- Dynamics of Incestuous Families - Dr. Robert ten Bensel
- Reliability of a Child's Testimony - Dr. Patricia Sullivan
- Expert Evidence - Dr. Robert ten Bensel
- How to work with Sexually Abusive Families - Child Guidance
- Role of the Guardian ad Litem - Don Bross
- Preparing the Child to be a Witness - Don Bross
- Lack of Physical Evidence - Don Bross

8/25/89 Guardian ad Litem Training
- Overview of Judicial Determination of Reasonable Efforts - Mark Hardin
- Reasonable Efforts Panel
- Services to Prevent Foster Placement - Margaret Bitz

8/24/90 Advanced GAL Training
- Child Development Issues - Dr. Patricia Sullivan
- Legislative Issues Affecting Children - Judge John Icenogle
- How Guardians ad Litem can access Services - legal panel

For County Attorneys

4/19/89 County Attorneys Spring Training Seminar
- Dynamics of Sexual Abuse - Steve Skulsky
- Investigative Stage with the Child - panel
- Medical Evidence - Dr. Carolyn Levitt
- Child Development Issues - Dr. Patricia Sullivan
- Prosecution State - panel

6/6/90 Nebraska Law Enforcement Conference
- Child Sexual Abuse - Brian Killacky
- Physical Evidence - Dr. Mary Case

Training History - Page 2

For Judges - through the County Judges Association

10/26/88 Child Sexual Abuse Workshop for Judges
- Judicial Overview - Judge Dana Wakefield
- Meaning of Physical Evidence - Dr. Donna Rosenberg
- The Judicial Challenge in Child Sexual Abuse Cases
- Difference between Perpetrators - Child Guidance
- Child Development Issues - Dr. Patricia Sullivan
- The Reliability of the Child Witness
- Expert Witnesses - Judge Dana Wakefield, Dr. Rosenberg

10/16/91 County Judges Fall Meeting
- Bonding and Attachment - Dr. Ann Coyne
- Foster Care Youth Advisory Board
- Children in Need of Special Services - Roberta Stick
- Termination of Parental Rights - Roberta Stick & Catherine Brooks
- Psychological Evaluations as part of Predispositional Investigations - Dr. Patricia Sullivan

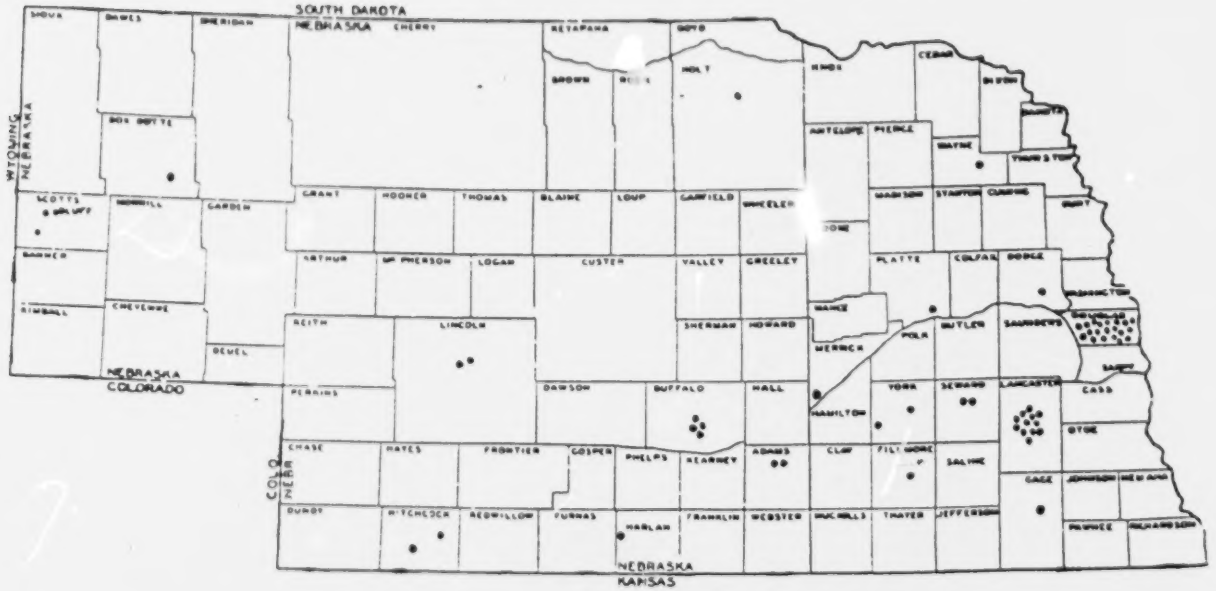
For Combined Groups

2/1/90 Symposium on Child Sexual Abuse at Boys Town - judges, senators, agency personnel, FCRB, and others
- Child Development Issues in Court - Dr. Patricia Sullivan
- Myths, Realities & Hidden Agendas in Sexual Abuse - Judge Sol Gothard
- The Meaning of Physical Evidence - Dr. Carolyn Levitt

3/21/91 Symposium at State Capitol - judges, senators, staff, FCRB
- National Overview of Child Welfare Legislation - Joyce Strom, Child Welfare League
- Legislative Agenda for Children - Dr. Patricia Sullivan
- Legislative Panel

7/11/91 How to Recognize, Interview, and Treat Children who have been Sexually Abused - Chadron and surrounding communities including court and agency personnel, attorneys, FCRB, and others
- Child Development Issues for Sexually Abused Children - Dr. Patricia Sullivan
- Investigating and Interviewing Children in Child Sexual Abuse cases - Dr. Sullivan
- What a Psychological Evaluation should include - Dr. Sullivan
- Special Issues regarding the Handicapped Child - Dr. Sullivan

FACILITIES FOR CHILDREN IN NEBRASKA
Cross Referenced by County and Type



FACILITIES BY COUNTY

Adams County

Emergency Protective Services Shelter
Mid-Nebraska Individual Services

Box Butte County

Nebraska Boys Ranch

Buffalo County

Buffalo County Attention Center
Campus House, Inc.
Richard H. Young Hospital
Youth Development Center--Kearney

Dodge County

Masonic Eastern Star Home for Children

Douglas County

ARCH
Christus House
Douglas County Courthouse Facility
Douglas County Youth Center
ENCOHM
ENCOR
Father Flanagan's Boys Home (Boys Town)
Hyland Group Home
Immanuel Mental Health Center
Methodist Richard Young
Nebraska Children's Home Society
NOVA
Omaha Home for Boys
Saint Joseph's Mental Health Center
Salvation Army Renaissance Center
Uta Halee Girls Village
Youth Emergency Services

Fillmore County

Youth Development Center--Geneva

Gage County

Beatrice State Development Center

Hamilton County

Boys Town Shelter--Mid Plains

Harlan County

New View School Residence

Hitchcock County

Cornhusker Christian Children's Home
Johnny Walker's Boys Ranch

Holt County

Valley Hospital

Lancaster County

Attention Center for Youth
Auryn House
Cedars Home for Children
Freeway Station
Lincoln Lancaster Drug Projects, Inc.
Lincoln General Hospital's Youth Treatment Services
Lincoln Regional Center
Nebraska Center for Children and Youth (NCCY)
Villa Marie Home and School for Exceptional Children
Women in Community Service Residence (WICS)
Youth Service System Group Homes (YSS)
- Boys Group Home
- Girls Group Home
- Teaching & Learning with Children Program (TLC)

Lincoln County

Lincoln County Juvenile Support Services
Wilcox House

Platte County

Transitional Living Center, Inc.

Scottsbluff County

Eppley Addiction Treatment Center at Regional West
Panhandle Juvenile Detention Center
Panhandle Youth Shelter

Seward County

Rivendell Psychiatric Center

Wayne County

Wayne County Juvenile Center

York County

Epworth Village
Grace Children's Home

Facility by type

Acute Psychiatric Facility

Methodist Richard Young
Richard H. Young Hospital
Rivendell Psychiatric Center
Saint Joseph Center for Mental Health

Chemical Dependency

A.R.C.H., Inc.
Christus House
Eppley Addiction Treatment Center at Regional West
Immanuel Mental Health and Addictions Recovery Center
Lincoln General Hospital (Independence Center)
Lincoln Lancaster Drug Projects
Methodist Richard Young (Dual Diagnostic)
Mid-Nebraska Individual Services
Transitional Living Center, Inc.
Valley Hope

Detention Facility

Attention Center for Youth
Buffalo County Attention Center
Douglas County Youth Center
Douglas County Youth Detention Center
Lincoln County Juvenile Support Services
Panhandle Juvenile Detention Center
Wayne County Juvenile Detention Center
Youth Development Center--Geneva
Youth Development Center--Kearney

Emergency Shelter

Boys Town Mid-Plains Shelter
Emergency Protective Services Shelter
Panhandle Youth Shelter
Youth Emergency Services

Group Home--Females

Auryn House
Campus House
Salvation Army Renaissance Center
Uta Halee Girl's Village
Women in Community Service Residence

Group Home--Females cont.

Youth Service System Girls Group Home
Youth Service System Teaching and Learning with Children

Group Home--Males

Johnny Walker's Boys Ranch
Nebraska Boys Ranch
Omaha Home for Boys
Youth Service System Boys Group Home

Group Home--Males and Females

Cedars Home for Children
Christian Heritage
Cornhusker Christian Children's Home
Father Flanagan's Boys Home
Freeway Station
Grace Children's Home
Hyland Group Home
Masonic Eastern Star Home for Children
Nebraska Center for Children and Youth
Nebraska Children's Home Society
Wilcox House

Mentally and/or Emotionally Handicapped

Beatrice State Development Center
ENCOHM
ENCOR
Epworth Village
Lincoln Regional Center
New View School Residence
Villa Marie Home and School for Exceptional Children

Chairman MARTINEZ. Thank you very much. One of the things that I've found from the first hearing on and what has given me concern is that in some places there is no real assessment of what causes a child to be a runaway and no real look into that child's home. The judge can simply say that a child must go back to his or her home and if that child violates that court order then that child gets put in a lockup someplace. No one wonders why the child won't stay home.

There are some places that do look into it, but that's the exception not the rule. What I'd like to see nationally—you mentioned it here in one of your recommendations—court-ordered family services, which would get the families involved and even in the training. You do foster parent training.

That is another thing I believe that should be mandated.

Have you carried a law in this State to mandate foster family and foster parent training?

Mr. BARRETT. No, not to a great extent.

Ms. STITT. Yes. That bill was passed in 1990 but Congressman Barrett supported the Foster Care Review Act to have citizen reviews look at these systems.

There is one other thing that I would like to mention. There's not only a lack of good assessments of why children run away but also a lack of good assessments of some of the foster families we use.

We have some excellent, committed foster families but we also need to assess who these youth are being placed with.

Chairman MARTINEZ. Well, that is what I am concerned with because it's become apparent from everything I have heard lately that there are so many children coming out of foster homes that are really messed up because the abuse has been worse in the foster home than it would have been in their own home. We must do something to make sure that we place these kids in safe, healthy environments.

There are a lot of dedicated foster parents

Ms. STITT. Yes.

Chairman MARTINEZ. But others do it just for the dollars.

Ms. STITT. Yes.

Chairman MARTINEZ. And we have no way of evaluating why someone becomes a foster parent. I don't think we should be putting foster kids in homes where the foster parent is in it only for the money because there are several things that might result.

One is that if they have any real kids, that foster kid can be made to feel that they are different and that they are less and that is obviously going to do something to that foster child's self-worth. That kind of mental abuse is sometimes worse than physical abuse.

Ms. STITT. Right.

Chairman MARTINEZ. I think we really have to start thinking. That's why I was very interested in the idea of mandating foster parent training because through a training process you can find out if the parent is going to be able to do a good job as a foster parent.

Ms. STITT. People are screened and they also come to understand the commitment they are taking on, what this may mean for their

family and the extent of some of the problems these kids may be bringing to their family.

I think it is a fair balance.

Chairman MARTINEZ. The problem I have is that foster care is a State-run, State-controlled situation and it's almost impossible to pass a national law mandating that every State have foster parent training. But we must find some incentive to get most or all States to do this training.

Ms. STITT. Yes.

Chairman MARTINEZ. So that a State would get extra dollars for programs if it provided mandated parent training.

Ms. STITT. There is some reimbursement that our State is getting but one of the critical points I want to make is that it was based on the data from cases we documented, that we took to the legislature. It was not the initiative of the Department of Social Services.

That is a real concern that I have. Because these are politically-driven systems and these kids and families don't have a lot of clout, oftentimes these kids end up at the bottom of the heap. It is a matter of priorities and we all know how the system works. That is why I think it is so important that people like yourselves are actually seeing the kids, visiting with the kids, and grappling with this is an enormous problem. It's not a small problem.

Chairman MARTINEZ. Congressman Barrett.

Mr. BARRETT. Thank you. I'm a little more familiar with this because Ms. Stitt and I did do a lot of work early on when I was a member of the State legislature, and, Carolyn, I continue to be amazed at the tracking system that you set up and you now, according to your testimony, are tracking over 25,000 kids in the system?

Ms. STITT. Yes. Since we have started tracking in 1982, over 29,000 children have been tracked.

Mr. BARRETT. Estimate of how many are still falling through the cracks? Any idea?

Ms. STITT. Well, I think one thing the Act did was tighten that up by looking at court review, we know where kids are but they are not getting what they need. I guess that's the best way to answer that question.

Mr. BARRETT. But you have got them located physically?

Ms. STITT. That's right, and that took some doing. But it is possible for States who haven't done it, it is possible.

Mr. BARRETT. I notice that you mentioned in your verbal testimony the lack of prosecution by the local attorneys and you went on to say that the systems are a fallacy in that line, in that regard. You had that same problem 2 years ago.

Has any progress at all been made?

Ms. STITT. Well, we did get the mandatory training in the past for the county attorneys and the one thing again that the Boards have been able to do is talk about these problems. We are able to document them and identify them. It's not just a couple hysterical foster parents, I mean what the system labels hysterical, they weren't hysterical. The best way to contend with these people is to say that this is an isolated problem, it's not really an issue.

What we are saying is that it's a statewide problem. Therefore we have statewide mandatory training. We had a special unit in

the AG's office. We still believe that it's critical to go to a State DA system where we have full-time attorneys who have expertise in this area, know how to and do prosecute these cases, and do prosecute these cases and put our perpetrators in the State on notice. That is our goal.

Mr. BARRETT. Will that have to be done by statute?

Ms. STITT. Yes.

Mr. BARRETT. Okay, all right. You indicated also that you have 82 pieces of information kept on these kids when they come into your system and an additional 92 pieces of data is added once the child has been reviewed?

Ms. STITT. By a Board, right.

Mr. BARRETT. And so on. You also indicated some concern about losing foster parents. In testimony in Los Angeles a week or 10 days ago, 2 weeks ago, we had a child say that they would prefer to be on the street, living on the street, rather than being in a foster home, and that kid had been kicked around to several foster homes.

What are we doing here, now to train parents, if anything? Why are we losing them? What are we doing to continue their services? What are we doing to weed out the bad apples?

Ms. STITT. Well, this is my opinion, as part of the agency that oversees the agency that's supposed to be doing these things. That's why we were put in place.

As I said, we now have mandatory foster parent training. It was recently reported to me that this, in some areas, consists of people signing up and then leaving; that is counted as their training. We are trying to apply some pressure to tighten that up.

Screening of foster parents is very inadequate. We do nothing like what was testified here today, the matching of a youth's needs with a family that can address those needs.

Usually what we are doing is looking for beds. Probably the most fortunate kids in our system end up in the Boys Town treatment, foster care program or in their group home programs that you visited; we're not meeting the youth's needs. I don't know how many times foster parents have called me and said, "I said that I only wanted a child under five and they brought me a sexually acting-out 14-year-old girl who smokes, does drugs, is drinking and is sexually active." These people haven't parented kids that age. They don't have the support system. They don't know how to proceed.

When they call for help they are not getting their calls returned. They are not getting expense vouchers returned. Some people take on four or five children. We know that people who come forward to be foster parents aren't much like any of us sitting around here today. There are a lot of blue collar people who are trying to reach out and give something back. Therefore, they need some of that reimbursement. That is not their sole income, don't get me wrong, but it is hard to take on four kids, even with transportation costs alone. Many of them don't even come with a sack of clothes, so that is a main issue. They are not getting timely reimbursements.

Most of all, they are not treated as a part of the team. For example, when a child is going home and coming back appearing to be abused with everything from cigarette burns, cuts, and abrasions, and they try to call their worker to tell them that, they are seen as

overly-involved. They are too attached. They are not following their role of trying to work towards family reunification. Sometimes people are put in impossible situations.

I worked on a very gruesome case where I had to personally intervene with the Governor. A 2½-year-old girl was raped. She had three reconstructive surgeries and the plan for that child was reunification.

This is a case where we are burning out foster parents. They look at an absurd system and Public Law 96-272. When the Congress said we should look at family preservation, they weren't talking about mutilating children for life. Foster parents get caught in this system that doesn't make sense to them. They have these children around the clock and people don't listen to them. That's the biggest complaint that I hear from foster parents.

Mr. BARRETT. We are talking about social services as well as——

Ms. STITT. Right.

Mr. BARRETT. Okay.

Ms. STITT. That is what I am responding to now. This is a social service abuse/neglect case.

Mr. BARRETT. Yes, okay.

Ms. STITT. And that is where many of our foster parents are. We don't have funding in our State for many foster parents in our correctional, juvenile justice system.

Mr. BARRETT. Thank you, Carol.

Ms. STITT. Yes.

Chairman MARTINEZ. Thank you. I think you have probably outlined my concerns better than any other witness to this point has. In many cases they give me a general sense of what's happening but you have really put it in a nutshell.

I think it is very valuable testimony to us because I think that somehow through the reauthorization of juvenile justice we have got to tie in some more mandates to the States in order to ensure quality services, including the support systems to the foster parents that you mentioned. One of the things that works at Boys Town is the crisis intervention team there that responds right away to problems in the homes and comes over and tries to handle the situation and cool it down right away. That's support.

Evidently what you are saying is that foster parents, if they called about even getting reimbursed for something, are not getting much response or support.

Part of that has to do with the State agency itself, who has the responsibility, not having the funds.

Ms. STITT. Right. Exactly.

Chairman MARTINEZ. But we have got to somehow find a way to provide those funds. I think that is imperative and Father Peter agreed. You know, you can have all of these great plans in the world but if you don't have the funding, you might as well forget them.

Ms. STITT. I think child welfare is an area and that's why I brought up our prison study; you pay now or you pay later, and I think all of you understand that very clearly.

I think we just need to explain that to more people.

Chairman MARTINEZ. More people, right.

I appreciate your being here today. Are those for us?

Ms. STITT. Yes. This is the map that you can have and this is a copy of our annual report, for each one of your offices, so if there is any other data you would like to respond to.

Chairman MARTINEZ. Yes. If you are not going to rush off too quickly, one of my staff members would like to talk to you.

Ms. STITT. Okay. No, I am not going to rush off.

Chairman MARTINEZ. Thank you.

Our next panel consists of Ms. Jean Lovell and Ms. Susan Rotenburg.

Let me explain for the audience that Ms. Lovell is from the Nebraska Commission on Law Enforcement and Criminal Justice from Lincoln, Nebraska, and Ms. Rotenburg is National Coalition for the Mentally Ill in the Criminal Justice System.

We'll start with you Ms. Lovell.

STATEMENT OF JEAN LOVELL, EXECUTIVE DIRECTOR, NEBRASKA COMMISSION ON LAW ENFORCEMENT, LINCOLN, NE; AND SUSAN ROTENBURG, NATIONAL COALITION FOR THE MENTALLY ILL IN THE CRIMINAL JUSTICE SYSTEM, SEATTLE, WA

Ms. LOVELL. We really appreciate the subcommittee being in Nebraska and, as you noted, I am the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice, better known as the Crime Commission in Nebraska. It is the Department of Nebraska's government that is responsible for the administration of the Juvenile Justice and Delinquency Prevention Act.

I am here to testify today in favor of the reauthorization of that Act and to point out the need for mental health services in Nebraska's juvenile justice system.

I am not a mental health professional. I have been director of the crime commission since July of 1991. Before I was appointed to that position, I worked for 15 years as a prosecutor in Scottsbluff, Nebraska, which is in the far western part of the State where Ruth is from.

I also served for 2 years in that county as a court-appointed attorney. It was a public defender's position where my case load was entirely juveniles.

During the time I was in Scottsbluff County practicing law I was also a school board member on the Gering, Nebraska school board for 8 years. I taught elementary school for 3 years in Omaha before I attended law school so my testimony doesn't come from the basis of having a lot of knowledge as a mental health professional. It is based on my experiences as an attorney involved in juvenile issues, on my experiences as a school board member and on my experiences as a teacher.

Nebraska's participation in the Juvenile Justice and Delinquency Prevention Act, as Ms. Adair told you, began in 1981. At that time juvenile justice services in Nebraska were very fragmented. Since Nebraska's participation in the Act, there has been some significant legislation that has been passed by the Nebraska unicameral.

The Family Policy Act that was passed in 1987 includes the principle that families, especially parents, have the primary responsibility for the care of their children. The Act emphasizes that sys-

tems serving children have a responsibility to support, not supplant, families in meeting the needs of Nebraska's youth.

In 1989 Congressman Barrett, who was then a member of Nebraska's legislature, was one of the sponsors of the Juvenile Services Act. That Act appropriated money for the use of local communities to address the lack of alternatives to the incarceration of juveniles. That Act is intended to work hand in hand with the mandates of the Juvenile Justice and Delinquency Prevention Act.

Last week the legislature passed a final reading, L:B. 447. This legislation, sponsored by Senator David Bernard-Stevens, will create a Youth Services Planning Commission whose function will be to provide a State juvenile services implementation plan for the delivery of comprehensive programs for juveniles.

Governor Nelson has supported this legislation as a way to carry out his directive to State agencies to cooperate and collaborate, to seek ways to help the State meet its needs through community-based solutions.

In many parts of Nebraska an array of services for youth are not available and that is one of our biggest problems. It often would be better if they could stay in their homes or their home communities, but in most cases it's necessary to remove youth from their homes in order to give them access to appropriate mental health services.

I have attached to my written testimony a copy of the executive summary of a recent Adolescent and Mental Health Services System Plan that was developed by the Nebraska Department of Public Institutions.

This plan indicates that Nebraska should have a comprehensive array of mental health services to youth. It should include outpatient treatment, day treatment, home based services, therapeutic foster care, therapeutic group homes, residential treatment, and inpatient hospitalization. This same report indicates that home based services, day treatment and therapeutic foster care, along with therapeutic group homes, are lacking in most parts of the State.

Nebraska is divided into six mental health regions. I have attached a map of Nebraska showing these regions and a chart that shows the availability of each of the services that I have outlined in each region. If you look at that chart and map, you can tell, for example, that there is only one region in the State that has therapeutic foster care or therapeutic group home services.

Nebraska has a critical need for services to youth with severe mental disorders. The Department of Social Services and the Department of Public Institutions are right now evaluating the feasibility of merging their services to high risk, severely emotionally disturbed children. In many cases we have to send these children outside of the State to find proper treatment or appropriate treatment.

Senator Jessie Rasmussen from Omaha sponsored a legislative bill last year that established a task force to develop a State plan to address the needs of children with disabilities. That task force is presently meeting and developing recommendations.

You asked how Nebraska could continue to participate in the Juvenile Justice and Delinquency Prevention Act when we don't have laws, for instance, that prohibit the incarceration of children under 18. I have attached to my written testimony, the last two pages, a

history of the progress that we have made in Nebraska in removing children from jail. We are actually in compliance with that Act for the first time since our participation.

Although we don't have laws that address all of the mandates of the Act, we have been able to, through education of sheriffs and working with our judges, achieve voluntary compliance. Without that Act, I can assure you that we wouldn't be there. The Act is necessary not only for the money that is appropriated but because of the mandates. Although we haven't addressed all of the mandates of that Act through legislation, we have reached compliance with the Act.

Last year we were still not in compliance with the jail removal initiatives and we had to devote all of the money that came into the State through the Act to jail removal initiatives. We recently completed a report indicating that we are in full compliance and now we'll be able to use that funding in different areas.

You pointed out that we're one of the States that received the minimum amount of funding. I can assure you that a little over $300,000 doesn't go very far to meet the needs of a State like this, especially the geographic area that we are talking about. But the mandates of the Act are really important and even that small amount of money is enough to, in some cases, give people the incentive to come up with a community-based solution and to help them develop solutions that are going to approach or begin to address some of the needs of the youth in Nebraska.

[The prepared statement of Jean Lovell follows:]

HEARING ON REAUTHORIZATION OF THE
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT
Grand Island, Nebraska
Monday, March 30, 1992

Members of the Committee, my name is Jean Lovell and I am the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice. That agency, better known as the Crime Commission, is the department of Nebraska state government that is responsible for the administration of the Juvenile Justice and Delinquency Prevention Act (JJDP). I am here to testify today in favor of the reauthorization of that Act and to point out the need for mental health services in Nebraska's juvenile justice system.

I am not a mental health professional. I have been serving as the Executive Director of the Crime Commission since July of 1991. Before I was appointed to that position, I worked for fifteen years as a prosecutor in Scotts Bluff County Nebraska in the far western part of the state. I also served for approximately two years as a court appointed attorney in Scotts Bluff County with a case load that was exclusively made up of juveniles. During the time I practiced law in Scotts Bluff County, I served for eight years as a member of the Gering, Nebraska School Board. I also taught elementary school for three years in Omaha before attending law school. My comments today on the mental health needs of rural youth are based on my experiences as an attorney involved in juvenile issues, as a teacher, and as a school board member.

Nebraska's participation in the Juvenile Justice and Delinquency Prevention Act began in 1981. At that time, services in the juvenile justice area in Nebraska were fragmented. Since Nebraska's participation in the Act, some significant legislation has been passed by the Nebraska Unicameral. The Family Policy Act passed in 1987 includes the principle that families, specially parents, have the primary responsibility for the care of their children. That Act emphasizes that systems serving children have a responsibility to support not supplant families in meeting needs of Nebraska's youth. In 1989, Congressman Barrett, who was then a member of Nebraska's Legislature, was one of the sponsors of Juvenile Services Act, an Act that appropriated money for the use of local communities to address the lack of available alternatives to the incarceration of juveniles. Last week the Legislature passed to final reading LB 447, legislation sponsored by Senator David Bernard-Stevens which will create a youth services planning commission whose function will be to provide a state juvenile services implementation plan for the delivery of comprehensive programs for juveniles. Governor Nelson has supported this legislation as a way to carry out his directive to state agencies to cooperate and collaborate in seeking ways to meet the state's needs through community based solutions.

In many parts of the state, an array of services for youth is not available. It is often the case that youth would be better served in their communities, but it is frequently necessary for youth to leave their home in order to access appropriate mental health services. I have attached the Executive Summary of a recent Adolescent and Mental Health Services System Plan developed by the Nebraska Department of Public Institutions (Attachment #1). The plan indicates that there should be a comprehensive array of mental health services for youth that includes out-patient treatment, day treatment,

home-based services, therapeutic foster care, therapeutic group homes, residential treatment, and in-patient hospitalization. That same report shows that home-based services, day treatment, therapeutic foster care and therapeutic group homes are lacking in most parts of the state. Nebraska is divided into six mental health regions. I have attached a map showing those regions and charts showing the availability of these services in each region (Attachment #2). For example, only one region in the state has therapeutic foster care or therapeutic group home services. Nebraska also has a critical need for services to youth with severe emotional disorders. The Department of Social Services and the Department of Public Institutions are now evaluating the feasibility of merging their services to the high risk severely emotionally disturbed population. Senator Jessie Rasmussen sponsored a legislative bill in 1991 that established a task force to develop a state plan to address the needs of children with disabilities.

Because of the JJDP Act, Nebraska has made substantial progress in removing children from jail and in the deinstitutionalization of status offenders. I have also attached a history of Nebraska's jail removal initiatives (Attachment #3). The state has not however been able to adequately address the needs of these youth and to provide appropriate alternative placements and/or treatment to them. The reauthorization of the Act is essential if the issues facing our youth are to be kept in the forefront.

ATTACHMENT #1

Child and Adolescent Mental Health Services System Plan

Executive Summary

Dale B. Johnson
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P.O. Box 94728
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Child and Adolescent Mental Health
Services System Plan

Executive Summary

The policy direction of the Department is guided by the principle that families, specifically parents, have the primary responsibility for the care of their children with emotional disturbances. The mental health and other child serving systems have a responsibility to support not supplant families in meeting their own needs and involve youth and their families in treatment decision-making. The preferred mental health responses are interventions that take place within a family context. It is also the Department's position that youth have interests and rights separate from their parents and families and that the "best interest of the child" is paramount in determining appropriate interventions. The mental health system has a responsibility to safeguard these rights and to ensure that the safety of a youth is never compromised.

Prevention is of critical importance in the system of care for Nebraska's youth. Prevention services are particularly attractive for their potential to reduce (1) the pain and suffering associated with emotional disturbance, (2) the resources required to treat emotional disturbance, and (3) the social costs of mental disorders. Furthermore, there is a growing body of research showing the efficacy of prevention in school, family, and medical settings. Prevention of emotional disturbance should be provided as part of a broader public health/public education prevention effort. In regard to both prevention and early identification and intervention, the preferred option is generic services (i.e., services other than specialized mental health services) where the needs of youth with emotional disturbances can be addressed in their natural environments (e.g., schools, churches, medical facilities) and integrated with structures and approaches designed to meet their other needs.

For youth who require more intensive services than generic programs can provide, there should be a comprehensive array of mental health treatment services. At a minimum this service array should include the following types of services:

- Outpatient Treatment
- Day Treatment
- Home-Based Services
- Therapeutic Foster Care
- Residential Treatment
- Inpatient Hospitalization

Of these services, home-based services, day treatment, and therapeutic foster care are the most lacking and the most needed in the State and are a priority for service development. The most appropriate model for these services is an integrated model where the mental health, educational, and social service needs of youth are addressed simultaneously in a comprehensive manner. The Department will seek to increase the capacity of these services and to ensure that the mental health system has the necessary expertise to deliver quality services.

Whenever possible, services in the array should be provided at the community level and reflect local circumstances. It should be the responsibility of regional governing boards and advisory committees to work with local service agencies in other systems to implement the Family Policy Act and its mental health implications at the local level. To assist in these responsibilities, the Department is committed to developing mental health expertise in each region in order to provide technical assistance to other systems, coordinate services among systems, and plan for the needs of each region's children. It is also important that youth with emotional disturbances have access to case management services to ensure an appropriate and coordinated response.

The roles and responsibilities issues surrounding youth emotional disturbances (e.g., Who should ensure that the mental health needs of youth are met? Who should pay for these services? Who should coordinate, regulate, and plan?) are difficult and complex, and there appears to be little consensus about how these issues should be resolved. The Department believes it is ultimately in the best interest of Nebraska's children and families to have these roles and responsibilities issues resolved for all child-serving systems, not just mental health. The Department proposes to work with other agencies to develop a system that can best address the needs of Nebraska's youth.

To assist in the process of designing a workable structure that ensures accountability, responsiveness, continuity, and impartiality, the Department proposes a number of system specifications to help in the design of a workable structure. While these specifications do not identify who should have the responsibilities for funding, case management, service provision, planning, and quality assurance, they do provide guidelines for determining the functions and relationships among these system components.

1. The system should have a fixed point of authority and responsibility for ensuring service accessibility.

   A. This entity should have the authority and responsibility for managing all relevant financial resources.

   B. This entity should have the authority and responsibility for planning for the use of public resources.

   C. This entity should have the authority and responsibility for ensuring that youth receive appropriate services and facilitating effective linkages among service systems.

   This specification seeks to establish clear accountability in the system to prevent children and families from falling through the cracks between services and systems. It is also important to give the responsible entity the authority and means of fulfilling its responsibilities.

2. The system should contain a flexible funding mechanism such that, to the greatest extent possible, dollars follow clients across services and service providers. This specification recognizes that clients should be able to obtain and change services in accordance with their needs. This facilitates continuity of service delivery.

3. There should be a single access point into the more comprehensive and intensive services in the system that applies uniform eligibility criteria. This specification recognizes the importance for youth and their families to know where to go to get services.

4. Case management services should ensure family participation in decision making. Case management is designed to ensure that client needs are appropriately assessed, that resources are obtained to address those needs, and that clients do not become lost in the service delivery system. It is important that case management support, not supplant the responsibilities of the family.

5. The system should be administratively structured to eliminate inherent conflicts of interest.

   A. The funding and case management functions should be separate from service provision.

   B. The quality accountability function should be separate from the funding function.

   C. The quality accountability function should be separate from service provision.

   These checks and balances are designed to ensure that the system is responsive primarily to youth and family needs.

In summary, the Plan briefly examines the nature of emotional disturbance in youth and proposes three broad-based initiatives to improve the way in which the State responds to youth with emotional disturbances. First, the mental health response will be based on the Family Policy Act and adopt the principle that families, particularly parents, have the primary responsibility for the care of their children with emotional disturbances. What is meant by primary responsibility is that parents should retain custody of their children unless the physical safety of the child is threatened and that parents should maintain financial responsibility for services in accordance with their ability to pay. Families are also expected to participate in the treatment planning and treatment of children with emotional disturbances.

Second, the Department will promote the availability of a complete array of mental health services and develop mental health expertise in each mental health region. Targeted services include home-based services, day treatment, and therapeutic foster care. As part of the service development process, there will be a monitoring and evaluation component that provides information on the efficacy of these services. This ongoing evaluation will provide a data base that will help the system make more informed decisions about the types of services needed in the future. The Department will work with the mental health regions to develop mental health expertise in each region to provide technical assistance to other service systems, to coordinate services among systems, and to assist in planning for the mental health needs of each region's children. The Department will also support the development of child and adolescent mental health human resources. Priority would be given to developing in-service education/training programs designed to increase the

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expertise of the public mental health workforce in the areas of child and adolescent mental health assessment and treatment.

Third, the Department will work through the Interagency Collaboration/ Coordination Team to resolve the major roles and responsibilities issues and design a system that will best address the needs of Nebraska's youth and their families. These issues include who should be responsible for case management, funding, planning, quality accountability, and service provision. The Department proposes development of a system that ensures accountability, responsiveness, continuity, and impartiality.

The following goals are set forth for all those in Nebraska concerned about the emotional well being of children, adolescents, and their families. Other relevant state and local agencies and organizations as well as private sector providers are encouraged to adopt these goals and develop their own specific objectives for implementation. The objectives included under each of these goals reflect the steps the Department of Public Institutions' intends to take in addressing the mental health needs of Nebraska children, adolescents, and their families. The Department believes these actions will significantly strengthen the mental health system's capacity to respond to children with severe emotional disturbances and their families.

In a number of cases where interagency collaboration is required to address a particular goal, objectives are written which reflect the Department's role as a member of the Interagency Collaboration/Coordination Team (ICCT). This team is composed of representatives of the Department of Public Institutions, Department of Education, Department of Health, Department of Correctional Services, Department of Social Services, and the Court Administrators Office and is charged with developing approaches to interagency coordination and collaboration.

GOAL I: The services provided through the public mental health system will be guided by the Nebraska Family Policy Act and appropriately respond to youth and their families.

Objective 1.1. The Department of Public Institutions, in collaboration with the Interagency Collaboration/Coordination Team, will develop and implement a bill of rights regarding the unique mental health treatment of youths and their families.

Objective 1.2. All mental health programs funded by the Department of Public Institutions that serve children and adolescents will have policies and procedures to ensure that families of youths with emotional disturbances are actively involved in treatment planning and have the skills necessary to support and maintain treatment goals.

Objective 1.3. The Department of Public Institutions will propose to the Interagency Collaboration/Coordination Team that it conduct a study regarding geographic, financial, and social accessibility and acceptability of services for all Nebraska families (natural, adoptive, and potential adoptive) and youths.

GOAL II: Nebraska will have a comprehensive and coordinated array of services and appropriate expertise to meet the mental health needs of children and adolescents with emotional disturbances and their families.

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Objective 2.1. The Department of Public Institutions will make available community mental health grants for the development of the following integrated programs: home-based services, day treatment, and therapeutic foster care.

Objective 2.2. The Department of Public Institutions' management of federal and state mental health prevention and treatment resources/services for children and adolescents will be guided by the target population priorities listed in Appendix D.

Objective 2.3. The Department of Public Institutions will develop standards for program evaluation to be included in all new program development proposals for youth mental health services.

Objective 2.4. The Department of Public Institutions will complete a study of the mission, role, and operation of the Lincoln Regional Center Adolescent Care Unit and issue recommendations for any necessary changes in laws, procedures, or functions.

Objective 2.5. The Department of Public Institutions will develop a plan for preservice and in-service education/training programs designed to increase the expertise of the public mental health workforce in the areas of child and adolescent mental health assessment and treatment.

Objective 2.6. Each mental health region will have the equivalent of one full-time youth mental health specialist to plan for the mental health needs of the region's youth, coordinate services among systems, develop service capacity, and provide program consultation, technical assistance, and training to other systems and agencies.

Objective 2.7. Each mental health region's advisory committee (as mandated by LB 433, 1986; codified in Neb. Rev. Stat. § 71-5001 et seq.) will assume responsibility for working with local, private, and public entities to develop strategies for meeting the needs of the region's youths with emotional disturbances, and these strategies will be submitted to the Department of Public Institutions as part of a separate youth section in the region's planning documents.

Objective 2.8. The Department of Public Institutions will develop policies and procedures that require local mental health service providers to collaborate with other local agencies as a condition for funding integrated service programs.

GOAL III: The State response to youth and families will be determined by clearly defined roles and responsibilities among child serving entities.

Objective 3.1. The Department of Public Institutions will propose to the Interagency Collaboration/Coordination Team that it develop a plan for resolving the roles and responsibilities issues by using the system specifications set forth in Chapter 5 of this Plan as guidelines.

Objective 3.2. The Department of Public Institutions will propose to the Interagency Collaboration/Coordination Team a proposal for developing mechanisms and structures to facilitate community-based service development.

Objective 3.3. The Department of Public Institutions will propose to the Interagency Collaboration/Coordination Team that it develop a multi-system case management mechanism.

Objective 3.4. The Department of Public Institutions will propose to the Interagency Collaboration/Coordination Team a plan for integrating mental health expertise into a broader training program for youth and family professionals.

Objective 3.5. The Department of Public Institutions will propose that the Interagency Collaboration/Coordination Team develop a statewide generic approach to prevention and early intervention services for youth and their families.

ATTACHMENT #2

Mental Health Regions

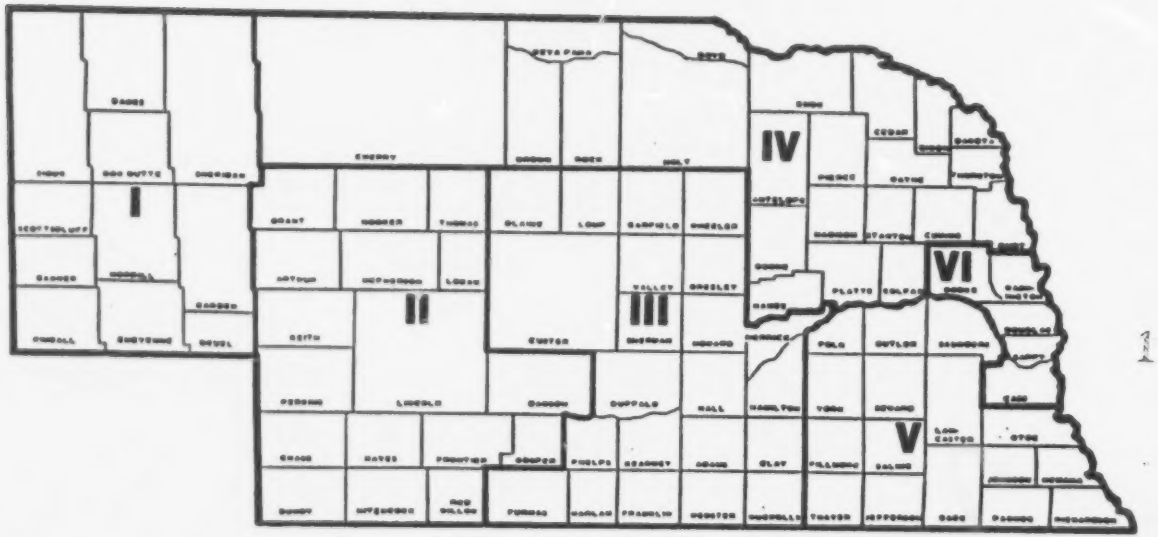

TABLE 15
REGION I

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	0 beds	0 beds	6 beds	-6 beds	0%
Therapeutic Foster Care/ Therapeutic Group Home	0 beds	0 beds	24 beds	-24 beds	0%
Total Residential	0 beds	0 beds	30 beds	-30 beds	0%
Home-Based Services	4 slots	10 slots	60 slots	-50 slots	17%
Day Treatment	7 slots	7 slots	60 slots	-53 slots	12%
Outpatient	124 slots	258 slots	240 slots	+18 slots	108%

TABLE 16
REGION II

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	0 beds	0 beds	6 beds	-6 beds	0%
Therapeutic Foster Care/ Therapeutic Group Home	0 beds	0 beds	24 beds	-24 beds	0%
Total Residential	0 beds	0 beds	30 beds	-30 beds	0%
Home-Based Services	4 slots	17 slots	60 slots	-43 slots	28%
Day Treatment	0 slots	0 slots	60 slots	-60 slots	0%
Outpatient	51 slots	106 slots	240 slots	-134 slots	44%

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TABLE 17
REGION III

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	0 beds	18 beds	12 beds	46 beds	150%
Therapeutic Foster Care/ Therapeutic Group Home	0 beds	6 beds	48 beds	-42 beds	13%
Total Residential	0 beds	24 beds	60 beds	-36 beds	40%
Home-Based Services	8 slots	11 slots	120 slots	-109 slots	9%
Day Treatment	0 slots	0 slots	120 slots	-120 slots	0%
Outpatient	199 slots	415 slots	480 slots	-65 slots	94%

TABLE 18
REGION IV

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	0 beds	0 beds	13 beds	-13 beds	0%
Therapeutic Foster Care/ Therapeutic Group Home	0 beds	0 beds	52 beds	-52 beds	0%
Total Residential	0 beds	0 beds	65 beds	-65 beds	0%
Home-Based Services	4 slots	4 slots	130 slots	-126 slots	3%
Day Treatment	0 slots	0 slots	130 slots	-130 slots	0%
Outpatient	131 slots	273 slots	520 slots	-247 slots	53%

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TABLE 19
REGION V

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	106 beds	205 beds	18 beds	+187 beds	1,139%
Therapeutic Foster Care/ Therapeutic Group Home	0 beds	64 beds	72 beds	-8 beds	89%
Total Residential	106 beds	269 beds	90 beds	+179 beds	299%
Home-Based Services	12 slots	35 slots	180 slots	-145 slots	19%
Day Treatment	17 slots	17 slots	180 slots	-163 slots	9%
Outpatient	322 slots	671 slots	720 slots	-49 slots	93%

TABLE 20
REGION VI

Comparison of Existing
Youth Mental Health Capacity
To Model Balanced Capacity

Type of Service	Current Public Capacity	Current Total Capacity	Model Capacity	Differences Between Current and Model Capacity	Percent of Need Met
Inpatient/Residential Treatment Center	0 beds	408 beds	33 beds	+375 beds	1,236%
Therapeutic Foster Care/ Therapeutic Group Home	26 beds	34 beds	132 beds	-98 beds	26%
Total Residential	26 beds	442 beds	165 beds	+277 beds	268%
Home-Based Services	16 slots	29 slots	330 slots	-301 slots	9%
Day Treatment	65 slots	96 slots	330 slots	-234 slots	29%
Outpatient	155 slots	323 slots	1,320 slots	-997 slots	24%

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ATTACHMENT #3

Nebraska's Compliance Efforts
with Juvenile Justice and Delinquency Prevention Act's
Jail Removal Provisions

The State of Nebraska has participated in the Juvenile Justice and Delinquency Prevention (JJDP) Act since 1981. The JJDP Act provides that juveniles not be confined in jails and lock-ups with incarcerated adults and requires that states participating in the formula grant program to take steps to ensure the removal of juveniles from such facilities. The following table shows the number of violations of the jail removal provision reported by Nebraska in each of its monitoring reports* submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1982.

Reported Jail Removal Violations

1982	3566	- baseline
1983	2807	
1984	2006	
1985	2106	
1986	1126	
1987	825	
1988	556	- Jail Removal Initiative
1989	296	
1990	242	
1991	38	- Full Compliance with De Minimis Exception

Although approximately $1.5 million of formula grant funds had been expended through 1987 for a variety of grant projects including those providing alternatives to confinement, little progress was made in reducing the number of juvenile jail removal violations.

In 1988, Nebraska was one of twenty-one states receiving special emphasis funds to support a jail removal initiative. This initiative was a concerted effort to bring Nebraska into compliance with the Jail Removal provision of the JJDP Act. Some of the key efforts involved:

- Providing information to jail officials, other criminal justice officials, county boards, executive and legislative branches of state government, and the public regarding the requirements of the Act, its purpose, and available alternatives.

- Establishment of an executive order signed by the Governor providing for the state's "unequivocal commitment to jail removal compliance" (signed by Governor Orr in July, 1988 and reaffirmed by Governor Nelson in 1991). The order also called upon state agency cooperation in compliance efforts.

*The monitoring reports are submitted annually. Some of the reports are based upon a six month sampling of juvenile admissions. These were doubled to provide a full year projection.

- Development of legislation to bring about changes in state law to make it consistent with JJDP Act requirements.

- Hiring a Jail Removal Coordinator to coordinate all jail removal initiative activities and to specifically work with local officials in establishing jail removal policies within their respective jurisdictions.

- Targeting of formula grant funds for projects having the most impact on jail removal within the state. Subgrantees agreed to comply with jail removal provisions as a condition of receiving the federal funds.

The figures in the table show substantial progress since the 1988 jail removal initiative. Although several key changes in state law have not yet been enacted, local officials have altered their policies and practices to such an extent as to finally bring Nebraska into full compliance based upon its 1991 monitoring report. A change in the handling of juveniles at the Omaha Police lock-up in 1991 resulted in a substantial reduction in the number of violations in that year.

Nebraska's involvement in the JJDP Act and the changes which have come about despite the lack of changes in state law clearly shows an interest on the part of local officials about the treatment of troubled youth and the recognition that fundamental changes in policy and practices were/are required to better address their needs.

The JJDP Act has been the catalyst for change in Nebraska. Although not all have agreed with some of its provisions over the years, it has stimulated the kind of discussions and actions needed to call attention to the plight of our youth. Its reauthorization is essential if the issues facing our youth are to be kept in the forefront.

Chairman MARTINEZ. Thank you. I am glad you pointed that out because that was a mystery to me but I do remember too that in the Act it allowed for good faith effort towards those compliances.

Ms. LOVELL. Right, and we are in full compliance right now, as of just about a week ago. We got notification of that but it's been a long haul.

Chairman MARTINEZ. Thank you. Ms. Rotenburg.

Ms. ROTENBURG. Thank you. Mr. Chairman and members of the committee, I would like to introduce myself to you. I am Susan Rotenburg, president of the National Coalition for the Mentally Ill in the Criminal Justice System. Currently, the Coalition is involved in a national project focused on the mental health needs of youth in the juvenile justice system. I would like to add that we are developing a monograph right now that will be available in May and is addressing the mental health needs of this group.

Out of the many national associations that are involved with the National Coalition, I think that it's really important for me to mention here today that our largest constituency groups are made up of parents. For example, the National Alliance for the Mentally Ill, which I know, Congressman Martinez is very active in California, and also the National Federation of Families.

I am very glad to be here as a specialist on these issues concerning youth offenders. I would like to mention my background. I have been a CPS worker. I have been a guard in the Atlydum. I have been an adult probation officer. I have run a mental health treatment program in a prison in Washington state and, of course, currently very active with the National Coalition. I also have a Washington State organization, Community Action for the Mentally Ill Offender, with which I am involved.

However, my greatest experience is from my child, who was mentally ill at the age of eight but is not a mentally ill adult. The most important thing I can say here is that, like cancer, you cannot wait or search for a single cure or treatment, or this population group is likewise doomed. We cannot approach the problems of youth who are seriously emotionally disturbed and mentally ill by asking someone in a lobby of a general hospital, "What would cure all these patients?"

In approaching the reauthorization of the Juvenile Justice and Delinquency Act, I encourage you to consider that there needs to be a proposition with a clear directive amendment in the Act for discarded children, the seriously emotionally disturbed and mentally ill.

These children cross over systems and are included with children in the Juvenile Justice and Prevention Act who are delinquent, runaways, homeless, missing children, victims of child abuse and alcohol and drug users. Fundamental to creating a proposition with a clear directive amendment to the Juvenile Justice and Prevention Act must be a shared goal to give these youth the treatment that is so important.

There are youth in the juvenile justice system who require mental health services. The existing State studies for this group show that mental disorders are much higher for them in comparison to the general population of youth. National data suggests that a significant portion of those residing in juvenile justice facilities,

100,000 youth, and more than one million youths involved in the juvenile justice system through contact with probation or juvenile courts, may require mental health services. Research findings suggest that half of the youth identified as mentally ill are also substance abusers and the rate of drug use amongst youth placed in juvenile facilities may be three times higher than in the general population group.

Between seven and nine million children in the general population group have serious emotional problems. Seventy to 80 percent of these receive no appropriate mental health services. It has been suggested and it is suggested for many youths in the juvenile justice system. This has become the treatment center of last resort. Research has also indicated that minorities have different, sometimes ambiguous, cultural expectations.

As a Nation we need to talk about the issues concerning the seriously emotionally disturbed and mentally ill youth. Delinquency is an issue of public concern. This issue needs to become an issue of public interest. Youth who are seriously and emotionally disturbed in the juvenile justice system are children who receive massive amounts of public sector resources and are among the severely disturbed members of the community.

Community-based mental health services for these and other groups of multi-problem children who receive public sector resources have typically been absent, limited in scope or inappropriate. In most places in the country there are no coordinated State rights systems to facilitate development of interagency services that monitor the effect of services. As a result, this high-risk and costly population of seriously disturbed, mentally ill, and troubled children receive protection, supervision and education, but little or no mental health treatment. This would be analogous to a diabetic child receiving the same services without insulin.

To deal comprehensively with the problems addressing the mental health needs of youth in the juvenile justice system, the reauthorization of the Juvenile Justice and Delinquency Prevention Act must take the lead. It should provide the necessary resources to fund demonstration projects and evaluations of such projects, convene conferences to provide technical assistance for communities, develop services for family preservation, and allocate research to identify the prevalence of mental health and other mental health problems of co-morbidity, or the mental illness related to alcohol and drugs.

I encourage you to encourage leadership amongst the States and develop coordination to assure the following principles. Resources of the juvenile justice, mental health, substance abuse, education and other systems must be developed and integrated to assure that children with severe emotional disturbance or mental illness are identified, assessed and appropriately treated. No children or adolescents should be placed or detained in a juvenile detention facility, correctional facility or any unduly restrictive care facility due to a lack of appropriate services for mental illness or severe emotional disturbances. Every child or adolescent in or diverted from the juvenile justice system with serious emotional disturbances or mental illness should receive all needed mental health services wherever they reside. Every child or adolescent suffering from

mental illness or serious emotional disturbances whose offenses are directly related to that condition should be treated in a manner and setting appropriate to his or her condition. The police should never have to charge a child in order for the youth to get the mental health services.

By ignoring the needs of these offenders we are not preserving the integrity of the juvenile justice system. The net result is that we will be contributing to a system in which more children are being harmed by what is designed to protect them. In the 1990's, increased numbers of children with more complex problems will be at a far greater cost and in a completely unprepared children's system. These children will be in the juvenile justice system, on the streets, or on the welfare rolls.

Thank you.

[The prepared statement of Susan Rotenburg follows:]

STATEMENT OF SUSAN ROTENBURG, NATIONAL COALITION FOR THE MENTALLY ILL IN THE CRIMINAL JUSTICE SYSTEM, SEATTLE, WA

Mr. Chairman, Members of the Committee on Education and Labor Subcommittee on Human Resources:

I would like to introduce myself. I am Susan Rotenburg, President of the National Coalition for the Mentally Ill in the Criminal Justice System. Currently, the Coalition is involved in a national project focused on the mental health needs of youth in the juvenile justice system. We are developing a monograph that will become the state-of-the-art in literature for this population group and completed in May 1992. I am very glad to be here as a specialist on these issues around youth offenders, however, my greatest experience is from my child who was mentally ill at the age of 8 years and is now an adult who is mentally ill. The most important thing I can say here is like cancer you cannot wait for a cure or search for a "single cure," or treatment for this group is likewise doomed. We cannot approach the problems of youth who are seriously emotionally disturbed and mentally ill like a person standing in a lobby of a general hospital and asking the question, "What would cure all these patients," as illustrative of this approach with mentally ill delinquents.

In approaching the reauthorization of the Juvenile Justice and Delinquency Prevention Act, I encourage you to consider that there needs to be a proposition with a clear directive amendment in the Act for Discarded Children, the seriously emotionally disturbed and mentally ill. These children cross over systems and are included with the children in the Juvenile Justice and Delinquency Prevention Act, that are delinquent, runaways, homeless, missing children, victims of child abuse, and who are alcohol and drug users.

Fundamental to creating a proposition with a clear directive amendment in the Juvenile Justice and Delinquency Prevention Act must be a shared "goal" to give these youth treatment is so important. Youths in the juvenile justice system who require mental health services, existing State studies suggest the development of mental disorders is much higher for this group than the general population of youths. National data suggests that a significant proportion of 100,000 youths residing in juvenile justice facilities and more than 1 million youths involved with the juvenile justice system through contact with probation or juvenile courts may require mental health service and reports to grow. Research findings suggest half of these youths identified as mentally ill are also substance abusers and that the rate of drug use among youth placed in juvenile facilities may be three times higher than the general population group. Between 7 and 9 million children in the general population group have serious emotional problems and 70 percent to 80 percent of them receive no appropriate mental health services, it is suggested for many youths in the juvenile justice system this has become the treatment center of last resort. Research has indicated minorities differ out of the system of mental health to delinquency on ambiguous cultural expectations.

As a Nation we need to talk about these issues around the seriously emotionally disturbed mentally ill youth. Delinquency is an issue of public concern. This issue needs to become an issue of public interest. Youth who are seriously and emotionally disturbed in the juvenile justice system are children who receive mass amounts of public sector resources and are among the severely disturbed members of the community. Community-based mental health services for these and other groups of

multi-problem children who receive public sector resources have typically been absent, limited in scope or inappropriate. In most places in the country, there is also no coordinated State right systems to facilitate development of interagency services that monitor the effect of services. As a result, this high risk and costly population of seriously disturbed and mentally ill troubled children receive protection, supervision, and education, little or no mental health treatment. This would be analogous to a diabetic child receiving the same services without insulin.

To deal comprehensively with the problems addressing the mental health needs of youth in the Juvenile Justice System the reauthorization of the Juvenile Justice and Delinquency Prevention Act must take the lead and declare policy of Congress to provide: *necessary resources to fund demonstration projects and evaluation of such projects with convene conferences; to provide technical assistance for communities and develop approaches in services and family preservation; allocate research to identify the prevalence of mental health and other mental health problems of co-morbidity.* Further declared policy of Congress should be to encourage leadership and develop coordination and assure; (1) Resources of the juvenile justice, mental health, substance abuse, social service, education and other systems must be developed and integrated to assure that children with severe emotional disturbance or mental illness in the juvenile justice system are identified, assessed and appropriately treated; (2) No child or adolescent should be placed or detained in juvenile detention facilities or correctional facilities or any other unduly restrictive care because of mental illness or severe emotional disturbance and/or the lack of appropriate services; (3) Every child or adolescent, in or diverted from the juvenile justice system with serious emotional disturbance or mental illness should receive all needed mental health services wherever they reside; (4) Every child or adolescent suffering from mental illness or serious emotional disturbance whose offenses are directly related to that condition should be treated in a manner and setting appropriate to his or her condition; (5) Police should never have to charge a child in order to get them mental health services.

By ignoring the needs of these special needs offenders, we are not preserving the integrity of the juvenile justice system, the net result we will be contributing to a system that more children are being harmed by the system designed to protect them. Far more children with more complex problems will be in care in the 1990's at a far greater cost and with a completely unprepared children's system. These children, it is written, will be in the juvenile justice system, on the streets, and on welfare rolls.

Chairman MARTINEZ. Thank you. As far as I know the Act as it is written now does not address any particular need of mental illness.

Let's discuss a little bit more mental illness and to what degree because there's emotional problems that can be dealt with and there are some other mental illnesses that are much more complicated than just dealing with the emotional problems, if you can deal with the emotional problems, you know.

Ms. ROTENBURG. Right. There are children who are seriously emotionally disturbed. Their symptoms are very similar to those of children who have neurobiological disorders, which is frequently manifested in their acting-out behavior. There is a very thin line.

I would like to add, may I just——

Chairman MARTINEZ. Sure.

Ms. ROTENBURG. I have worked many years in the adult system of mental health. What bothers me greatly is that the problems experienced with the adult mentally ill offenders are the same as experienced with the children.

A child in detention who exhibits acting-out behavior may not be perceived as an emotionally disturbed or mentally ill child. Instead, it is believed that this behavior can be controlled and thus the action to control the child is inappropriate. The same situation is found in the adult system, where one of the problems in handling acting-out behavior is the lack of training. People are not dealt

with in an appropriate manner. Detention facilities have to be aware of the liability issues.

Chairman MARTINEZ. The whole idea is that those people with those problems that are different than the problems from which most young people suffer, can be better handled by professionals trained in mental health problems.

Ms. ROTENBURG. Absolutely.

Chairman MARTINEZ. As you have said, sometimes the problems are misdiagnosed. Different reasons are used to explain why the young person's acting a certain way, and then the real reason is not dealt with adequately or in the right way and that young person is not helped.

As it is now, there are places like Boys Town where they do recognize these problems and they do have special counselors to deal with them.

Ms. ROTENBURG. Very good program.

Chairman MARTINEZ. And they come in and do help. In a lot of other places you don't have that. There are a lot of very good community based organizations, like Amoja House, that do not have that.

Ms. ROTENBURG. We have Echo Glen, which is what I would consider a very excellent facility, in my own State. Yet, because of lack of resources, and this is very common with detention facilities, they are letting kids out on the street who are seriously emotionally disturbed and mentally ill. There are no resources in the community.

Also, let me bring up the fact that a lot of places are mixing together these special needs kids. The adult system has learned that, as far as with lockup, you have to separate this very vulnerable population group from the general population group. It can be brutal and very harmful to the children.

Chairman MARTINEZ. Are there places now in the adult lockups where they are separating out that particular group?

Ms. ROTENBURG. Yes. Well, I would say that it's spotty, it's very spotty. Very spotty.

Chairman MARTINEZ. Some people are way ahead of others.

Ms. ROTENBURG. Yes, yes.

Chairman MARTINEZ. But right now as far as this Act is concerned, I am more concerned with the juveniles. Your feeling is that there has to be something in the Act to address mental health?

Ms. ROTENBURG. Absolutely.

Chairman MARTINEZ. That creates another problem. Here again, as Father Peter says, you can't mandate things without providing the resources to carry out the mandate, and so there would have to be I guess, targeted dollars to provide money to assess, number one, and then after the assessment to provide extra funding for that particular population.

Ms. ROTENBURG. I have heard of many juvenile courts in which judges have no alternative to placing the child in detention; there are no other resources for the seriously emotionally disturbed. This attitude is, "Oh, send them out of State."

Chairman MARTINEZ. How often is it that a judge will recognize somebody that really has a mental health problem?

Ms. ROTENBURG. There are different counties and different judges who run their courts differently. I cannot answer that exactly, but I would say that it's important that information be brought into the court.

Chairman MARTINEZ. I went to a national juvenile judges' conference, and the people I met there are very conscientious and very concerned about what happens to the juveniles through their courts. The problem is that they are not always in a position to recommend an evaluation or assessment of the young person. They have got to be given a tool by which to do that—some way to assess that young person because a lot of the kids come to these community based organizations without being referred by the court system. Sometimes they are just referred by a police department and police departments in most cases aren't going to be in a position to be able to evaluate or assess that young person so it's got to be done in that facility.

I guess what we are looking at is making sure that some consideration or some assessment is done to determine these particular special needs of the clientele that they have.

Ms. ROTENBURG. Exactly.

Chairman MARTINEZ. Very good. I think you are right because mental illness is a very illusive thing for a lot of people. A lot of people can't imagine that there is something that can be done for this particular behavior pattern. They think a good spanking will take care of the problem or some real harsh punishment will take care of it. They don't understand that it's much deeper than that and someone is not going to respond to that type of behavior except to develop a worse behavioral pattern.

See, there are a lot of people that unless they experience the disorientation from a mental problem, they can't imagine anybody can have a mental problem. They believe that it's all an act or it's all a behavior thing. It's hard to convince a lot of people that there is this particular need for mental health services.

I guess that's our responsibility is to make sure that they understand it and I guess education is the best way to do it.

We need you and your organizations to help us educate many people in Congress that there may be a special need here that we have got to address in the Act.

Does the crime commission actually have a certain responsibility that comes from the State?

Ms. ROTENBURG. That's right.

Chairman MARTINEZ. And this is one of the problems we face: There are certain rights that States have and certain jurisdictions that are theirs and we have to somehow provide through our bill, which is a catalyst for providing moneys to you to do the things that you do, without infringing on those jurisdictions. It has always been in the form of a carrot--you do this, we'll give you this, but here you stated very early—I forget, it's 350,000 some dollars—you have as a State need greater than that.

What can we do to maybe cause some kind of a targeting or some kind of a discretionary program that, because there is a greater need here, transfer funds from some places of less need. How?

Ms. LOVELL. I think discretionary funding is one way to address that.

One of the problems is that most of the States receiving the minimum allocation lack a staff to adequately support the mandates of the Act. A certain amount of the money, 7½ percent, can be used for administration. In Nebraska, that's about $23,000.

So we have to come in and the State matches Federal funds with the equal resources. In my agency, for instance, part of my salary is used for a match. Part of our fiscal analyst salary is used for a match. We don't have a full-time juvenile specialist in our State. We have just had some transfer by the appropriations committee and a change in legislation that will allow us to have a full-time juvenile justice specialist in July.

But the States that receive the minimum allocation really need administrative help in supporting the mandates of the program. It would be helpful if, for instance, we could use up to 10 percent of the money for administration. In a State like Nebraska that would be a windfall; larger States get millions and millions of dollars as a result of this Act. One thing I would suggest that Congress look at in the reauthorization of this is setting a minimum amount for all States to receive in the area of administration.

Chairman MARTINEZ. Administration.

Ms. LOVELL. We certainly don't want to squander money in administration.

Chairman MARTINEZ. No, but realistically $23,000 isn't going to do very much for you.

Ms. LOVELL. That certainly doesn't. We have people in our office who care very deeply about these issues, but our agency is responsible for a lot of other things, too. We have the Law Enforcement Training Center. We also administer the block grant money to address drug issues.

There are people in my office who volunteer their time. It's not part of their job description to work on the juvenile issues.

As I said, if things go well this legislative session we will have a commitment from the State legislature to hire a full-time juvenile justice specialist. It will be the first time in 5 or 6 years that we have had one in the State.

Chairman MARTINEZ. In the JTPA we increased the administration funding there for a similar reason. It was a percentage of the total allotment to the State but we put a flexible trigger in there for those States that had a minimum, those States that would require more administration.

Ms. LOVELL. That's right. There is an economy of scale at some point.

Chairman MARTINEZ. Yes, and so I think that we could do that for this too.

Ms. LOVELL. I think that would be very helpful. We are not the only State that has this problem. I know that right now, Maine is at risk of losing their juvenile specialist.

It would be very beneficial to have one full-time person in the State to deal with this issue.

As I said, we try to pull things together. I think that there is a lot of cooperation in Nebraska, as Congressman Barrett knows. We work closely with Carol and the people in her office and with the advocacy groups like Voices for Children. We really pull together and try to look for solutions for this.

Chairman MARTINEZ. Wouldn't it help you too in finding other methods of funding and forms of funding?

Ms. LOVELL. Absolutely. It would help if we had one person that could work full time on it. As I said, we will in July. But this is because of scraping and fighting and finding someone in the legislature who realizes how important this is. We have finally been able to get to this point.

Chairman MARTINEZ. I'll see how my colleagues feel about that but I think you have made a good case for it.

Congressman Barrett?

Mr. BARRETT. I'll hold you to that last statement.

Chairman MARTINEZ. I realize in a lot of the programs we put forth we're so concerned about the program dollar going for the use intended by the law because there have been abuses in the past where there was no set amount for administration, that we forget there is money needed for administration.

Ms. LOVELL. The minimum allocation States have a lot of difficulty; these are often the States that have problems.

Chairman MARTINEZ. Yes, we could tie it to that. That's where the crisis really is—Mr. Barrett.

Mr. BARRETT. Thank you. Jean, I am glad to hear you tell us finally that L.B. 447 is now in final reading and will probably become a reality.

That is the Youth Planning Commission and I guess my question is that takes it out of the, that takes the present situation out of the Department of Corrections, which is mainly involved with adult situations. Where does it go now physically? Does it go into the Crime Commission?

Ms. LOVELL. Actually, the original intent of the bill would have created a new agency. The legislature, however, backed off on that because of the fiscal problem that the State is facing right now.

This Youth Planning Commission would develop an implementation plan for a Department of Youth Services. It is the intent of this legislation that Nebraska will eventually have a Department of Youth Services. The Commission is made up of representatives of the State government and some other groups that are most often involved in these issues. The Director of the Department of Social Services, the Director of the Department of Institutions, the person in my position, the Director of the Department of Corrections, the Department of Education are some of the people that will be on that Commission. This is a commission where the people will have hands-on involvement. You are not going to be able to send someone else to represent you if you want to have input.

We are bringing together an additional group of people, including representatives from the court system and advocacy groups, to look closely at what we are doing in Nebraska. We must separate juveniles from adults if they are going to get the attention that they deserve, which is the purpose of this legislation.

The Department of Corrections, for instance, cares very much about what happens to juveniles. But when they determine how to use their resources, they are going to channel those resources toward the people that are suing them in Federal court, who aren't usually children.

Mr. BARRETT. But because of the lack of funding, at least for now will this become your stepchild? The Crime Commission?

Ms. LOVELL. Yes. Yes, the Commission will have a full-time planner or someone will be hired full time to assist the Commission. This person will be housed under the current Commission but will work independently.

Neither I nor the Commission will direct their work, but they will be housed under the Crime Commission.

Mr. BARRETT. Okay. Now we have talked a little about the $325,000 Federal grant and the $23,000 which is allowed for administration.

Give me a breakdown on the rest. How was that $325,000 spent?

Ms. LOVELL. Well, two-thirds of it must go to local projects.

Mr. BARRETT. Local projects.

Ms. LOVELL. As I said, last year Nebraska was not able to meet the jail removal mandates. We assured the Federal Government, in order to receive money, that we would spend all of our money in jail removal. So the money that we received last year went entirely to jail removal projects. In this district the majority of it went to the juvenile detention facility in Scottsbluff County, which is a new facility that opened last July.

They received a little in excess of $100,000.

The facility in northeast Nebraska, in Wayne, Nebraska, which is a detention facility, received some of that funding.

The freeway station in Lincoln, Nebraska received about $10,000, which is not a substantial amount. We had to direct all the resources to jail removal projects, which are detention facilities. So this is where it went last year.

On the State level, we funded two positions for intensive supervision for juvenile probation, two intensive supervision probation officers, one in the eastern part of the State and one in the western part of the State. These probation officers monitor a small caseload of up to 15 juveniles. They wear electronic bracelets, the children on probation, but they would otherwise be locked up. This is where the majority of the money went.

We also have a grant that provides for a full-time community planner. This person just began last week and will work to help communities develop their own special plan that meets their individual needs.

You mentioned earlier about sending a van around to help communities. I think in some ways that would be very good, but different communities have different needs.

I think as Carol Stitt pointed out, in some communities there may be a prosecutor who clearly understands how to handle a case of abuse, but does not have the right investigative tools. The same is true all over the State. Hopefully this community planner will help each community identify their strengths and their needs and also come up with a comprehensive plan to fund some of its projects through the money received from the Federal Government and the $500,000 from L.B. 663, which you sponsored.

Mr. BARRETT. Right, thank you.

Ms. Rotenburg, you are an attorney, are you not?

Ms. ROTENBURG. No, I am not.

Mr. BARRETT. You are not?

Ms. ROTENBURG. No. I am sorry—no. Did I say——

Mr. BARRETT. No, you didn't. That's why I asked the question.

All right. You have been involved, what, for 8 years, did you say in this kind of—or your present position?

Ms. ROTENBURG. I have been involved, yes, in advocacy for this population group, yes.

Mr. BARRETT. What about the shared goal? I am very interested in your testimony here. You are talking about fundamental to creating a proposition with a clear directive amendment in the Act must be a shared goal.

What—can you embellish just a little bit on that to give these kids treatment as being so important? As a shared goal, are you talking about the public sector and the private sector or what are we talking about?

Ms. ROTENBURG. Yes, I think I mentioned the shared goal with the Alaska Youth Initiative. Out of the Alaska Youth Initiative came interagency gate-keeping, flex-dollars and wrap-around services. They were sending several of their kids out of the State for services. Now they have brought them all back by using the wrap-around services and also using the families, keeping the families together.

When there are seriously emotionally disturbed and mentally ill children, families frequently dismantle. This is not to say that the families with such children, especially those with neurobiological disorders, are your typical bad guys. They very much want to keep their families together. The parents with whom I have talked around the country, the parents that are involved with our group of parents belonging to the Coalition, would want their children at home if there were resources for them.

Mr. BARRETT. It's all of that.

Ms. ROTENBURG. Yes.

Mr. BARRETT. And perhaps more.

Ms. ROTENBURG. And perhaps more, yes.

Mr. BARRETT. Yes. Okay, I guess finally in your remarks you also talked about declaring a policy of Congress to provide and your second point on the last page "and no child or adolescent shall be placed or detained in juvenile detention facilities or correctional facilities or any other unduly restrictive care because of mental illness or severe emotional disturbance."

How do you see this operating? Is this something that you would have to——

Ms. ROTENBURG. Is that number two?

Mr. BARRETT. Number two, yes.

Do you envision some kind of an evaluation service at perhaps intake or what—I guess I wasn't tracking with you at that point.

Ms. ROTENBURG. Let me give you some background on these five principles that I have presented here.

Participants in the planning of the National Work Session, which will take place in May, included several national associations.

Mr. BARRETT. Okay.

Ms. ROTENBURG. I could say freely that the majority of the associations involved want to see diversion from detention, from

lockup, for these children. There are different points at which this can be made.

Mr. BARRETT. This would then be, referring to the five points that you're talking about?

Ms. ROTENBURG. Number two.

Mr. BARRETT. On number two, okay.

Okay, thank you, very much. Thank you, Mr. Chairman.

Chairman MARTINEZ. Thank you, Mr. Barrett.

First of all, I would like to say thank you to the last two witnesses. Your testimony has helped us. You have made some good points.

Secondly, I would like to thank Mr. Barrett for hosting us.

Lastly, I would like to thank all of Nebraska for being such a great host and showing us such a great time while we're here and helping educate us to some of the problems of Nebraska. We'll go back to Congress now and with the help of Mr. Barrett and our colleagues try to devise a plan that will help us all.

Thank you.

[Whereupon, at 11:35, the hearing recessed, to reconvene at the call of the Chair.]

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